



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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**ADMINISTRATION & LEGISLATION COMMITTEE**

**MEETING NOTICE**

**Monday, April 10, 2006; 9:30 a.m.**

CMA Board Room  
1333 Broadway, Suite 220  
Oakland, California 94612

Members:

Chair: Councilmember Larry Reid  
Vice Chair: Supervisor Scott Haggerty  
Councilmember Kriss Worthington  
Mayor Shelia Young  
Mayor Robert Wasserman  
Mayor Janet Lockhart  
AC Transit Director Dolores Jaquez  
BART Director Thomas Blalock

Staff Liaison: Dennis Fay  
Secretary: Christina Muller

**AGENDA**

*Copies of Individual Agenda Items are Available on the CMA's Website*

**1.0 PLEDGE OF ALLEGIANCE**

**2.0 PUBLIC COMMENT**

Members of the public may address the Committee during "Public Comment" on any item not on the agenda. Public comment on an agenda item will be heard when that item is before the Committee. Anyone wishing to comment should make his or her desire known to the Chair.

**3.0 CONSENT CALENDAR**

**Approval**

- 3.1 Minutes of March 13, 2006 Meeting\* (page 1)**
- 3.2 Quarterly Investment Report\* (page 5)**
- 3.3 Quarterly SBE, LBE and DBE Report\* (page 7)**

**4.0 ADMINISTRATIVE MATTERS**

**4.1 Leased Office Space**

**Discussion/Action**

In February, the Board authorized several new positions and funding to build out the existing leased space to accommodate the growth. Since the February Board meeting, it has come to our attention that a small office area adjacent to our existing offices may become available. Leasing this additional space may avoid the initial cost to build out the existing space. In addition, ACTIA is considering a move, possibly to the 3<sup>rd</sup> floor of our building. Staff is discussing these options with the building management and ACTIA staff, will analyze the tradeoffs in terms of cost and other factors, and will report to the Committee on staff's findings at the meeting. At its March meeting, the Board authorized the Committee to take action on this matter on behalf of the Board.

## **5.0 CONTRACTS, AGREEMENTS AND CONSTRUCTION STATUS REPORTS**

### **5.1 I-680 Smart Carpool Lane:**

#### **Public Education and Marketing\* (page 9)**

#### **Discussion/Action**

A public outreach meeting for the I-680 Smart Carpool Lane was held in October 2005. The meeting had extensive coverage from both newspapers and television. A project website was launched to provide information about the project as well as to provide an opportunity for public input. The summary of the meeting included recommendations for continued public education and marketing of the Smart Lane. Staff is seeking consultant services based on these recommendations. The services will be funded by FHWA's Value Pilot Pricing Program grant and Measure B for the 20% match requirement. It is recommended that the Board authorize the Executive Director to sign a contract with the selected consultant for public education and marketing services in an amount not to exceed \$400,000 covering a three-year period.

### **5.2 I-580 Corridor: Advance Right of Way Acquisition for Future Median Transit Corridor\* (page 11)**

#### **Discussion/Action**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to negotiate and execute requisite agreements with the Alameda County Transportation Improvement Authority (ACTIA) to include the I-580 Corridor/BART to Livermore Studies Project (ACTIA 26) in the list of CMA sponsored projects that are part of the I-580 Tri-Valley Corridor Improvement Plan. Funds provided through ACTIA Project 26 will be used for advance right of way acquisition along I-580 for preservation of a future median transit corridor.

### **5.3 I-580 Corridor: Westbound I-580 Auxiliary Lanes \* (page 13)**

#### **Discussion/Action**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to take the following actions with the Alameda County Transportation Improvement Authority (ACTIA) for the I-580 Auxiliary Lanes Project:

1. Approve the addition of the CMA as a project Co-Sponsor with Caltrans;
2. Negotiate and execute Amendment No. 3 to the Master Project Specific Funding Agreement to include the I-580 Auxiliary Lanes Project, ACTIA 14, in the list of projects sponsored by the CMA;
3. Negotiate and execute Project Specific Funding Agreement for the Construction/Construction Engineering Phase of the I-580 Auxiliary Lane Project – Westbound between I-580/Fallon Road Interchange and I-580/Tassajara Road Interchange, Segment 14A, for \$1,500,000; and
4. Negotiate and execute Project Specific Funding Agreement for the Preliminary Engineering/Environmental Phase of the I-580 Auxiliary Lane Project – Westbound between I-580/Airway Boulevard Interchange and I-580/Fallon Road Interchange, Segment 14B, for \$400,000.

### **5.4 I-580 Corridor: Traffic Management Plan (TMP)/Advance Elements Project\* (page 17)**

#### **Discussion/Action**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to take the following actions in support of expediting delivery of the I-580 Traffic Management Plan (TMP)/Advance Elements Project:

1. To negotiate and execute all necessary agreements for procurement of long lead items and specialty products to be used in the construction of the project for an amount not to exceed \$1,500,000; and

2. To release a Request for Proposal (RFP) to provide construction management services for this project and execute all necessary agreements with the selected consultant for an amount not to exceed \$1,000,000.

Funding will be provided from available I-580 corridor fund sources.

#### **5.5 International/Telegraph Rapid Bus Project: Construction Project Status Report\* (page 21)**

**Discussion/Action**

The CMA's adopted Construction Administration Guide requires that a quarterly construction status report be provided to the Administration and Legislation Committee. It is recommended that the Committee review and approve the attached Construction Contract Progress Report for activities through March 31, 2006.

#### **5.6 Transit Oriented Development: Technical Assistance Program\* (page 29)**

**Discussion/Action**

In September 2005, the ACCMA Board recommended the initiation of a pilot TOD Technical Assistance Program, or TOD TAP to help TOD project sponsors overcome barriers to advancing TOD projects in Alameda County. The budget for the program is \$40,000, consisting of \$25,000 approved by ACTIA and \$15,000 from CMA's Transportation and Land Use (T Plus) program, funded by MTC. It is recommended that the CMA Board authorize the Executive Director, or his designee, to execute all necessary agreements with the Alameda County Transportation Improvement Authority (ACTIA) for the Transit Oriented Development Assistance (TOD TAP) Program in the amount of \$25,000.

### **6.0 LEGISLATION/PUBLIC AFFAIRS**

#### **6.1 Sacramento Report\* (page 31)**

**Information/Discussion**

A report from the CMA's Sacramento representative is attached.

#### **6.2 Washington, DC Report\* (page 37)**

**Information/Discussion**

A report from the CMA's Washington, DC representative is attached.

#### **6.3 AB 1020 (Hancock): Watch and Seek Amendments\* (page 39)**

**Discussion/Action**

This bill would require the department and certain regional transportation planning agencies, such as MTC, to develop travel models that incorporate such factors as land use intensification, land use models based on bidding for floor space, representations of all transit lines and roads, parking cash-out, and neighborhood plans that enhance pedestrian access. The CMAs in the Bay Region are required to have travel models that are consistent with MTC's model. The requirements of this bill therefore impact the CMAs in the Bay Region. Some of the requirements of this bill may not be practical and those that are practical could be costly to implement. It is recommended that the CMA Board watch this bill and request amendments that would lessen the impact on CMA travel models.

**6.4 AB 2113 (Aghazarian): Support in Concept\* (page 45)**

**Discussion/Action**

This bill would declare Legislature's intent to enact legislation facilitating improvements to goods movement in Northern California to and from the Port of Oakland and the Central Valley region. This bill is consistent with the CMA's I-880/I-238/I-580 Goods Movement Corridor concept. It is recommended that the CMA Board support this bill in concept.

**6.5 AB 2873 (Wolk): Support\* (page 47)**

**Discussion/Action**

This bill would allow a county or city and county to impose an additional 1/4 percent of 1% sales and use tax under the Bradley-Burns Law, increasing the Transportation Development Act funds. TDA funds are used for transit, paratransit and bicycle and pedestrian projects. The CMA supported a similar bill last year. It is recommended that the CMA support this bill.

**6.6 AB 2538 (Wolk): Support\* (page 51)**

**Discussion/Action**

This bill would stabilize the revenue stream used by transportation agencies for project planning, programming and monitoring by setting a minimum threshold for these funds. The CMA uses these funds to prepare project study reports required for STIP projects, to monitor project schedules and for its programming function. This bill will provide a more reliable and predictable revenue stream for these functions. It is recommended that the CMA support this bill.

**6.7 SB 1812 (Runner): Support\* (page 55)**

**Discussion/Action**

This bill would allow Caltrans to participate in a federal pilot program authorized under SAFETEA, which is intended to simplify the delivery of transportation projects. SAFETEA authorized a pilot program that allows certain states to assume FHWA's role in approving federal environmental documents. Specifically, this bill would authorize Caltrans to consent to the jurisdiction of the federal courts with regard to the compliance, discharge or enforcement of the responsibilities it assumes relative to environmental documents. It is recommended that the CMA support this bill.

**6.8 AB 573 (Wolk): Oppose\* (page 57)**

**Discussion/Action**

This bill would restrict the ability of a public agency to include certain indemnity provisions in contracts. It would prohibit a public agency from requiring a design professional to defend, indemnify, or hold harmless the public agency or its officers and employees from any claim, action, or proceeding against the public agency. The CMA uses professional services contracts to indemnify the agency, its officers and employees. This bill opens up potential liabilities for the CMA. It is recommended that the CMA oppose this bill.

**6.9 AB 1974 (Walters): Oppose\* (page 61)**

**Discussion/Action**

This bill would allow a county board of supervisors to authorize unlimited access to HOV lanes, regardless of occupancy. HOV lanes are integral to the efficient movement of people in urban areas, and Alameda County's HOV lanes are contiguous with adjacent counties. This bill could result in a disjointed HOV lane system in the Bay Region and other regions. It is recommended that the CMA oppose this bill.

**6.10 AB 2621 (Strickland): Oppose\* (page 63)**

**Discussion/Action**

This bill would exempt ethanol and methanol from the sales and use tax, thereby reducing funds for transportation, including Alameda County's Measure B program. It is recommended that the CMA Board oppose this bill.

**7.0 STAFF AND COMMITTEE MEMBER REPORTS**

**8.0 ADJOURNMENT/NEXT MEETING: MONDAY, MAY 8, 2006**

- \* Attachment enclosed for members and key staff.
- \*\* Materials will be handed out at the meeting.
- (#) All items on the agenda are subject to action and/or change by the Committee.
- ✓ Materials are separately attached to the meeting packet.

*PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH  
ENVIRONMENTAL SENSITIVITIES MAY ATTEND*

**ADMINISTRATION & LEGISLATION COMMITTEE**  
**MINUTES OF MARCH 13, 2006**  
**OAKLAND, CA**

Chair Reid convened the meeting of the Administration & Legislation Committee at 9:35 am. The roster of attendance is attached.

**1. PUBLIC COMMENTS**

**2. PUBLIC COMMENTS**

There were no public comments.

**3. CONSENT AGENDAS**

**3.1 Minutes of February 13, 2006 Meeting**

A motion was made by Young to approve the Minutes of February 13, 2006; a second was made by Blalock. The motion passed unanimously.

**4. ADMINISTRATIVE MATTERS**

**4.1 FY 2006-2007 Budget and Work Program**

Fay advised the Committee that in accordance with the joint powers agreement, the CMA Board must adopt a budget in March of each year. He noted that a draft budget and work program were approved previously and staff has not receive any comments. A motion was made by Lockhart to forward the FY 2006-2007 budget and Work Program to the Board for approval; a second was made by Blalock. The motion passed unanimously.

**4.2 2004-05 Annual Report**

Fay request that the Committee review and the Board approve the 2004-05 Annual Report. A final document with graphics will be prepared for the Board following Committee action. A motion was made by Young forward the 2004-05 Annual Report to the Board for approval; a second was made by Blalock. The motion passed unanimously.

**5. CONTRACTS, AGREEMENTS AND CONSTRUCTION MATTERS**

**5.1 Tri Valley Triangle Analysis: Contract Amendment**

Hart requested that the Committee recommend that the Board approve an amendment to the Parsons Transportation Contract to: 1) increase the current budget from \$400,000 to \$528,000 for supplemental travel demand modeling work requested by the cities of Dublin, Livermore and Pleasanton; and 2) authorize the Executive Director to enter into funding agreements as necessary with the three cities to transfer the funds to the CMA. The three cities have approved council resolutions authorizing payment for the additional work. The

increase in budget will be at no cost to the CMA. A motion was made by Lockhart to forward staff recommendation to the Board for approval; a second was made by Wieler. The motion passed unanimously.

## **5.2 I-580 Sound Wall Projects in Oakland and San Leandro: Authorization for Design Costs**

Todd requested that the Committee recommend that the Board authorize the Executive Director to execute all necessary agreements required to complete the design of the freeway soundwalls in San Leandro (Estudillo to 141<sup>st</sup>) and in Oakland (14<sup>th</sup> and Ardley) along I-580 in an amount not to exceed \$2,250,000, contingent on the CMA Board approval of the addition of \$1,233,000 of CMA TIP funds required for the design project. A motion was made by Young to forward staff recommendations to the Board for approval; a second was made by Blalock. The motion passed unanimously.

## **5.3 I-580 Corridor: Traffic Management Plan**

Garcia requested that the Committee recommend that the CMA Board authorize the Executive Director, or his designee, to take the following actions in support of expediting delivery of the I-580 Traffic Management Plan (TMP)/Advance Elements Project:

1. Negotiate and execute all necessary consulting, procurement and installation agreements with AT&T and CoValuate for systems and software design and implementation;
2. Negotiate and execute a Cooperative Agreement with Caltrans for oversight of project development and construction activities for this project; and
3. Negotiate and execute all necessary agreements with the Cities of Dublin, Livermore and Pleasanton, Zone 7, and Alameda County to enter, construct, operate and maintain TMP/Advance Elements within their jurisdictions.

After a brief discussion a motion was made by Haggerty to forward staff recommendations to the Board for approval; a second was made by Blalock. The motion passed unanimously.

## **6.0 LEGISLATION/PUBLIC AFFAIRS**

### **6.1 Sacramento Report**

Fay reviewed Lynn Suter's report dated March 3, 2006.

### **6.2 Washington, DC Report**

Fay reviewed the Washington, DC report dated March 3, 2006, and stated that he, Chair Reid and vice Chair Haggerty are planning a trip to Washington sometime in May to promote the earmarks approved by the Board at the February retreat.

### 6.3 Advocacy Principles: Toll Facilities

Fay reviewed the advocacy principles for State legislation regarding toll facilities. He also noted that the toll facilities could include toll roads, high occupancy toll (HOT) lanes and other forms of pricing. These principles are in part based on the results of the CMA's polling and focus groups conducted as part of the I-680 Smart Carpool Lane pilot project. This work found that the largest factor affecting public support for the project was the knowledge that net revenues would be reinvested in the tolled corridor in the form of improvements and services. After a brief discussion, the Committee requested that staff amend the principles to make it clear they do not apply to state-owned toll bridges and are related to highways only. A motion was made by Lockhart to forward the advocacy principles with the noted changes to the Board for approval; a second was made by Haggerty. The motion passes unanimously.

### 6.4 AB 2444 (Klehs): Vehicle Registration Fee

Fay advised the Committee that this bill is similar to AB 1623 (Klehs) introduced on behalf of the CMA last year but vetoed by the Governor. This new bill would authorize the congestion management agencies in the Bay Area to impose an annual fee of up to \$5 per registered vehicle for transportation projects and programs and the bill would also authorize MTC to impose an annual fee of up to \$5 per registered vehicle to be subvented to the Air District and the Water Quality Control Board to mitigate the environmental impacts of motor vehicles. This new bill is consistent with the CMA's Adopted 2006 Legislative Program. After discussion, a motion was made by Lockhart to support AB 2444 (Klehs) and seek an amendment to include a higher return to source for the environmental mitigation component of the bill; a second was made by Haggerty. The motion passed unanimously. Fay advised the Committee that a similar bill has been introduced by Senator Simitian; the Committee requested he include SB 1611 (Simitian) on the March Board agenda for action along with AB 2444.

### 7.0 STAFF AND COMMITTEE MEMBER REPORTS

There were no reports.

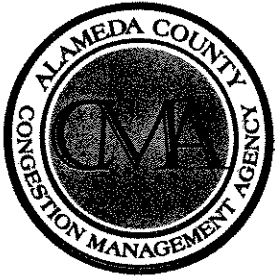
### 8.0 ADJOURNMENT/NEXT MEETING MONDAY APRIL 10, 2006

Chair Reid adjourned the Committee until the Monday, March 13, 2006 meeting at 9:30 a.m. at the CMA office.

Attest By:

  
Christina Muller, Board Secretary





ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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ADMINISTRATION & LEGISLATION COMMITTEE  
ROSTER OF ATTENDANCE  
MARCH 13, 2006  
CMA BOARD ROOM  
OAKLAND, CALIFORNIA

NAME	JURISDICTION/ ORGANIZATION	PHONE #	E-MAIL
1. Christine Muller	staff	510 836 2560	cmuller@accma.ca.gov
2. Zack Wasserman	WRBD	934-6666	zwasserman@wrbd.com
3. Neal A. Parish	WRBD	510 834-6600	NParish@wonder.com
4. Delores Jaguez	AC Transit		
5. Jerry Reid	Oakland	510-238-7007	LReid@OaklandNet.com
6. Scott Haggerty	ALAMEDA COUNTY	510-272-6691	SCOTT.HAGGERTY@ACGOV.ORG
7. Thomas M. Blahut	BART	510-490-7565	
8. Sheila Green	San Leandro	510-577-3355	
9. Janet Cockburn	Dublin	925) 833-6650	
10. Stefan Garcia	staff	510 836 2560	sgarcia@accma.ca.gov
11. Franklin	"	"	
12. Gary Hart	staff		
13. Dennis Fay	"		
14. Jeff Wullen	Piedmont	510 428 648	JWullen@yahoo.com
15. Cyrus Minooar	STAFF		
16. Yvonne Chan	Staff		
17. Pat Mossburg	Oak/Larry Reid	238-7573	pmossburg@oaklandnet.com
18. Tina Spencer	AC Transit	510 891.4754	tspencer@actransit.ca.gov
19. Joanne Parker	BART	510.287.4795	jparker@bart.gov
20. James O'Brien	AccMA Project Monitoring	(510) 836-2560 ext 23	
21.			
22.			
23.			

## Quarterly Investment Report for the Quarter Ended 03/31/06

Security Type	Issuer	Credit Rating	Yield to Maturity	Purchase Date	Maturity Date	Purchase Price/Cost	Yield at Maturity
1. Cert. of Deposit	Union Bank of Cal.	A1+/P1	4.60%	3/31/06	6/15/06	\$1,000,000	\$9,711
2. Comm. Paper	Gen'l Elec. Cap. Corp.	A1+/P1	4.72%	3/31/06	7/17/06	1,996,691	28,310
3. Corp. Security	Citigroup Corp. Note	Aa1/AA-	4.52%	2/6/06	8/09/06	1,245,977	28,502
4. Comm. Paper	Gen. Elec. C.C.	A1+/P1	4.88%	2/14/06	8/15/06	4,999,012	120,988
5. Discount Note	FFCB	Aaa/AAA	4.91%	3/06/06	9/01/06	2,962,290	69,210
6. Comm. Paper	UBS Finance	A1+/P1	4.86%	3/15/06	9/18/06	1,920,779	48,221
7. Discount Note	FHLMC	Aaa/AAA	4.83%	3/07/06	9/19/06	3,099,493	80,507
8. Discount Note	FHLMC	Aaa/AAA	4.70%	12/1/05	11/1/06	4,999,209	215,791
Subtotal Investments (at cost)			4.80% (ave.)			22,223,451	\$601,240
9. Gov't Money Market Fund (Custodial Account)						1,280	
10. Local Agency Investment Fund						5,764,861	
11. TFCA Money Market Fund (Wells Fargo)						2,048,802 (estimate)	
Total Invested						<u>\$30,038,394</u>	

  
Yvonne Chan, Auditor/Treasurer

3/31/06  
Date

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# Summary of Contracts (>\$25,000) Awarded/ Amended in FY 2005/2006 through March 2006

## Professional Services

Project/Contract Name	Contract Type/ Service	Contract Number	Contract Date	Prime	Subs	Firm Location	Fund Source	Total \$ Amount	Alameda Local Business	East Bay Local Business	SBE Firm	DBE Firm Y or N	Federal DBE Goal	% DBE Firms
West Oakland Community Based Transportation Plan	Planning	A05-017	8/24/05	MIG	Harvey Goldstrom Elmwood Consulting	Berkeley, CA Oakland, CA Oakland, CA	MTC/STA (non-federal)	\$ 46,000	\$ 46,000	\$ 46,000		N		
								\$ 7,000	\$ 7,000	\$ 7,000		N		
								\$ 7,000	\$ 7,000	\$ 7,000		N		
Contract A05-017 Total:								\$ 60,000	\$ 60,000	\$ 60,000	\$ -		NA	0%
I-680 Smart Carpool Marketing & Research	Marketing/ Research	A05-022	8/25/05	Don Solem & Associates	Frank Wilson & Assoc. Jeremy Law	San Francisco, CA San Juan Capistrano, CA San Juan Capistrano, CA	ACTIA	\$ 25,790				N		
								\$ 17,400			\$ 17,400	N		
								\$ 6,700				N		
Contract A05-022 Total:								\$ 49,890	\$ -	\$ -	\$ 17,400		NA	0%
2005 Update County Wide Bike Plan	Planning	A05-019	8/24/05	Beth Walukas		Oakland	ACTIA/TDA	\$ 44,000	\$ 44,000	\$ 44,000	\$ -	N		
Contract A05-019 Total:								\$ 44,000	\$ 44,000	\$ 44,000	\$ -		NA	0%
I-880 North Safety Improvment	Design	A05-008	7/8/05	Korve RBF	VSCE Inc. Land Unity Council Wilson, Ihrig and Assoc. Ninyo and Moore Universal Field Serv., Inc Hammon Jensen & Wallen Jones & Stokes	Oakland, CA Walnut Creek, CA Oakland, CA Oakland, CA Oakland, CA Sacramento, CA Oakland, CA Oakland, CA	RM2	\$ 369,220	\$ 369,220	\$ 369,220		N		
								\$ 320,820	\$ -	\$ 320,820		N		
								\$ 91,354	\$ 91,354	\$ 91,354	\$ 91,354	Y		
								\$ 40,620	\$ 40,620	\$ 40,620	\$ 40,620	N		
								\$ 20,542	\$ 20,542	\$ 20,542		N		
								\$ 10,960	\$ -	\$ -		N		
								\$ 7,600	\$ 7,600	\$ 7,600		N		
								\$ 47,803	\$ 47,803	\$ 47,803		N		
Contract A05-008 Total:								\$ 908,919	\$ 577,139	\$ 697,959	\$ 131,974		NA	10%
Grand MacArthur	Engineering Analysis	A05-016	7/27/05	DKS		Oakland, CA	RM2	\$ 513,779	\$ 513,779	\$ 513,779	\$ -	N		
Contract A05-016 Total:								\$ 513,779	\$ 513,779	\$ 513,779	\$ -		NA	0%
General Administration	Admin Services	A06-007	3/1/06	G/S Drive Products		Castro Valley, CA	CMA General Fund	\$ 25,000	\$ 25,000	\$ 25,000		N		
Contract A06-007 Total:								\$ 25,000	\$ 25,000	\$ 25,000	\$ -		NA	0%
2006 LOS Monitoring	Traffic Data Collection	A06-008	3/23/06	Carter-Burgess	Traffic Research & Analysis, Inc.	Oakland, CA Roseville, CA	MTC, Federal	\$ 27,977	\$ 28,105	\$ 28,105	\$ -	N		
								\$ 26,773	\$ -	\$ -	\$ 26,895	Y		
Contract A06-008 Total:								\$ 54,750	\$ 28,105	\$ 28,105	\$ 26,895		4%	49%
Contracting Consulting	Contracting	A06-011	3/31/06	Anew Management		Oakland, CA	CMA General Fund	\$ 28,325	\$ 28,325	\$ 28,325	\$ -	N		
Contract A06-011 Total:								\$ 28,325	\$ 28,325	\$ 28,325	\$ -		NA	0%
Professional Services Total:								\$ 1,684,663	\$ 1,276,348	\$ 1,597,168	\$ 176,269			
									76%	95%	10%			

# Summary of Contracts (>\$25,000) Awarded/ Amended in FY 2005/2006 through March 2006

Construction														
Project/Contract Name	Contract Type/ Service	Contract Number	Contract Date	Prime	Subs	Firm Location	Fund Source	Total \$ Amount	Alameda Local Business	East Bay Local Business	SBE Firm	DBE Firm Y or N	Federal DBE Goal	% DBE Firms
INTEL Equipment	Equipment	A05-031 Amended	6/28/2005 Change order: 3/1/06	McCain Traffic Supply		Sacramento, CA	95% State or Local; 5% Federal	\$ 703,686				N		
Contract A05-031 Total:								\$ 703,686	\$ -	\$ -	\$ -		0%	0%
Rapid Bus Project Telegraph	Construction	A05-020 Amended	7/29/05 Change order: 12/22/05	Steiny & Co.	Vargas & Esquivel Diaz Corp. Titan Norwood	Valejo, CA San Francisco, CA San Jose, CA Redding, CA Brentwood, CA	95% State & Local; 5% Federal	\$ 2,860,743 \$ 135,111 \$ 26,053 \$ 160,349 \$ 178,898		\$ 178,898	\$ 135,111 \$ 26,053 \$ 160,349	N Y Y Y N		
Contract A05-020 Total:								\$ 3,361,154	\$ -	\$ 178,898	\$ 321,513		10%	10%
Rapid Bus Project Broadway	Construction	A05-021 Amended	8/1/05 Change order: 12/22/05	Ray's Electric	Bayline William's Trucking TPA Utility Sales	Oakland, CA Oakland, CA Oakland, CA Oakland, CA	95% State & Local; 5% Federal	\$ 540,267 \$ 31,050 \$ 6,210 \$ 43,470	\$ 540,267 \$ 31,050 \$ 6,210 \$ 43,470	\$ 540,267 \$ 31,050 \$ 6,210 \$ 43,470	\$ 540,267	N Y Y Y		
Contract A05-021 Total:								\$ 620,997	\$ 620,997	\$ 620,997	\$ 540,267		10%	13%
Rapid Bus Project E. 14th/ International	Construction	A05-038 Amended	Board Award 9/22/05 Change order: 12/22/05	Rosendin Electric	Simco Construction Bass Electric Precision Diaz Corp. McDonald Engineering Advanced Cutting & Paving	San Jose, CA Oakland, CA San Francisco, CA San Jose, CA San Jose, CA Livermore, CA Morgan Hill, CA	95% State & Local; 5% Federal	\$3,683,571 \$452,824 \$261,026 \$113,490 \$21,563 \$11,349 \$9,079	\$ 452,824	\$ 452,824	\$ 452,824 \$261,026 \$21,563	N Y N N Y N N		
Contract A05-038 Total:								\$ 4,552,903	\$ 464,173	\$ 464,173	\$ 735,414		10%	10%
Rapid Bus Project	Equipment	A05-034	10/4/05	EIS Electric Integrated Systems		Ontario, Canada	95% State & Local; 5% Federal	\$ 90,382	\$ -	\$ -	\$ -	N		
Contract A05-034 Total:								\$ 90,382	\$ -	\$ -	\$ -		0%	0%
Rapid Bus Project	Equipment	A05-033	10/19/05	3M		Saint Paul, MN	95% State & Local; 5% Federal	\$ 137,706	\$ -	\$ -	\$ -	N		
Contract A05-033 Total:								\$ 137,706	\$ -	\$ -	\$ -		0%	0%
Uptown Transit Center	Construction	A06-_____	Board Award 2/23/06	NTK Construction	F. Ferrando & Co. Phoenix Electric Crisp Co.	San Francisco, CA S. San Francisco, CA San Francisco, CA Fremont, CA	95% State & Local; 5% Federal	\$ 794,918 \$ 560,000 \$ 224,000 \$ 12,000	\$ - \$ - \$ - \$ 12,000	\$ - \$ - \$ - \$ 12,000	\$ -	Y Y Y N		
Contract A06-_____ Total:								\$ 1,590,918	\$ 12,000	\$ 12,000	\$ -		19%	99%
Construction Total:								\$ 11,057,746	\$ 1,097,170	\$ 1,276,068	\$ 1,597,194			
									10%	12%	14%			

## Report Notes:

This report includes all contracts over \$25,000 awarded or amended from July 2005 through March 2006.

This report excludes office rent, office utilities, and Agency benefits, and the Agency's Sacramento and D.C. Representatives.

Contract #A06-002, has not been included in this report. In this contract between the CMA and TALC, the CMA is acting as the recipient agency for TALC's BAAQMD funds.



ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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*April 10, 2006*  
*Agenda Item 5.1*

**Memorandum**

**Date:** March 28, 2006  
**To:** Administration and Legislation Committee  
**From:** Jean Hart, Deputy Director *JH*  
**Subject:** I-680 Smart Carpool Lane: Public Education and Marketing

**Action Requested**

A public outreach meeting for the I-680 Smart Carpool Lane was held in October 2005. The meeting had extensive coverage from both newspapers and television. A project website was launched to provide information about the project as well as to provide an opportunity for public input. The summary of the meeting included recommendations for continued public education and marketing of the Smart Lane. Staff is seeking consultant services based on these recommendations. The services will be funded by FHWA's Value Pilot Pricing Program grant and Measure B for the 20% match requirement. It is requested that the Executive Director be authorized to sign a contract with the selected consultant for public education and marketing services in an amount not to exceed \$400,000 covering a three year period.

**Next Steps**

The Smart Carpool Lane JPA will consider the request on April 10<sup>th</sup>. The recommendations of the Administration and Legislation Committee and the JPA will be forwarded to the CMA Board for action.

**Discussion**

A public meeting on the Smart Carpool Lane was held in Fremont last October. The meeting had extensive media coverage including newspaper articles, press releases, and television and radio spots. A website was launched providing a virtual open house. Although the attendance at the meeting was low, there were 18,000+ hits on the website.

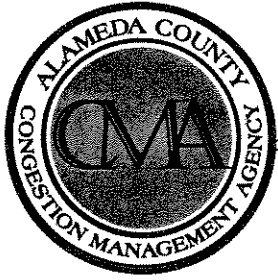
The Final Report for the public outreach meeting included a summary of the meeting and recommendations for future marketing and education activities. The recommendations include the following:

- Conduct additional research through public opinion poll(s), focus groups and selected interviews with the business community, environmental advocates, corridor users and residents adjacent to the corridor
- Develop a core message and consistent theme for public presentations
- Form an advisory committee to solicit feedback on continuing design and operations of the facility
- Conduct additional public meetings as deemed appropriate
- Update and maintain website
- Design and printing of all publications relating to the Smart lane
- Media relations

Services under this contract would be for three years until the launch of the project scheduled for late 2009.

The budget level is consistent with the amount of funds spent on the Minnesota project. The MnPass project costs for public outreach and marketing was \$451,000 for consultant services and printing of materials.


Funds are available from the Value Pricing Pilot Program Grant from FHWA and Measure B. Federal funding will require a DBE goal. Representatives from FHWA, Caltrans, ACTIA and VTA will be invited to participate in selection of the consultant.



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*Agenda Item 5.2  
April 10, 2006*

**DATE:** April 3, 2006  
**TO:** Administration and Legislation Committee  
**FROM:** Stefan Garcia, Supervising Principal Transportation Engineer   
**SUBJECT:** I-580 Corridor: Advance Right of Way Acquisition for Future Median Transit Corridor

## **Action Requested**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to negotiate and execute requisite agreements with the Alameda County Transportation Improvement Authority (ACTIA) to include the I-580 Corridor/BART to Livermore Studies Project (ACTIA 26) in the list of CMA sponsored projects that are part of the I-580 Tri-Valley Corridor Improvement Plan. Funds provided through ACTIA Project 26 will be used for advance right of way acquisition along I-580 for preservation of a future median transit corridor.

## **Next Steps**

The first agreement will identify the CMA as the project sponsor; subsequent agreements will provide ACTIA funds to pursue project implementation. Staff of CMA and ACTIA will develop a strategy for project development and, when appropriate, negotiate and prepare for executive signature the requisite Project Specific Funding Agreement(s) with ACTIA.

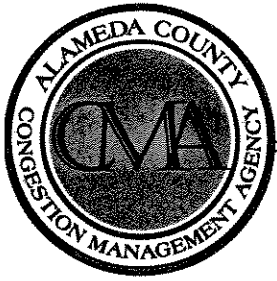
## **Discussions**

The I-580 Corridor/BART to Livermore Studies Project is a Tier 1 project in Alameda County's 20-Year Transportation Plan, the Expenditure Plan for Measure B and administered by ACTIA. The Expenditure Plan provides for \$8,700,000 (1997-98 dollars) in ACTIA funds.

The Master Project Funding Agreement between ACTIA and CMA was executed in 2002 and notes the general conditions, policies and procedures of both parties for the delivery of ACTIA projects under CMA sponsorship. The Master Project Funding Agreement also lists specific projects under CMA's sponsorship. Amendment No. 2 would add the I-580 Corridor/BART to Livermore Studies Project to the list of projects in the Master Project Funding Agreement, and allows the CMA to enter into future Project Specific Funding Agreements for this project as needed to implement the project.




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*Agenda Item 5.3  
April 10, 2006*

**DATE:** April 3, 2006  
**TO:** Administration and Legislation Committee  
**FROM:** Stefan Garcia, Supervising Principal Transportation Engineer   
**SUBJECT:** I-580 Corridor: Westbound I-580 Auxiliary Lanes

**Action Requested**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to take the following actions with the Alameda County Transportation Improvement Authority (ACTIA) for the I-580 Auxiliary Lanes Project:

1. Approve the addition of the CMA as a project Co-Sponsor with Caltrans;
2. Negotiate and execute Amendment No. 3 to the Master Project Specific Funding Agreement to include the I-580 Auxiliary Lanes Project, ACTIA 14, in the list of projects sponsored by the CMA;
3. Negotiate and execute Project Specific Funding Agreement for the Construction/Construction Engineering Phase of the I-580 Auxiliary Lane Project – Westbound between I-580/Fallon Road Interchange and I-580/Tassajara Road Interchange, Segment 14A, for \$1,500,000; and
4. Negotiate and execute Project Specific Funding Agreement for the Preliminary Engineering/Environmental Phase of the I-580 Auxiliary Lane Project – Westbound between I-580/Airway Boulevard Interchange and I-580/Fallon Road Interchange, Segment 14B, for \$400,000.

**Next Steps**

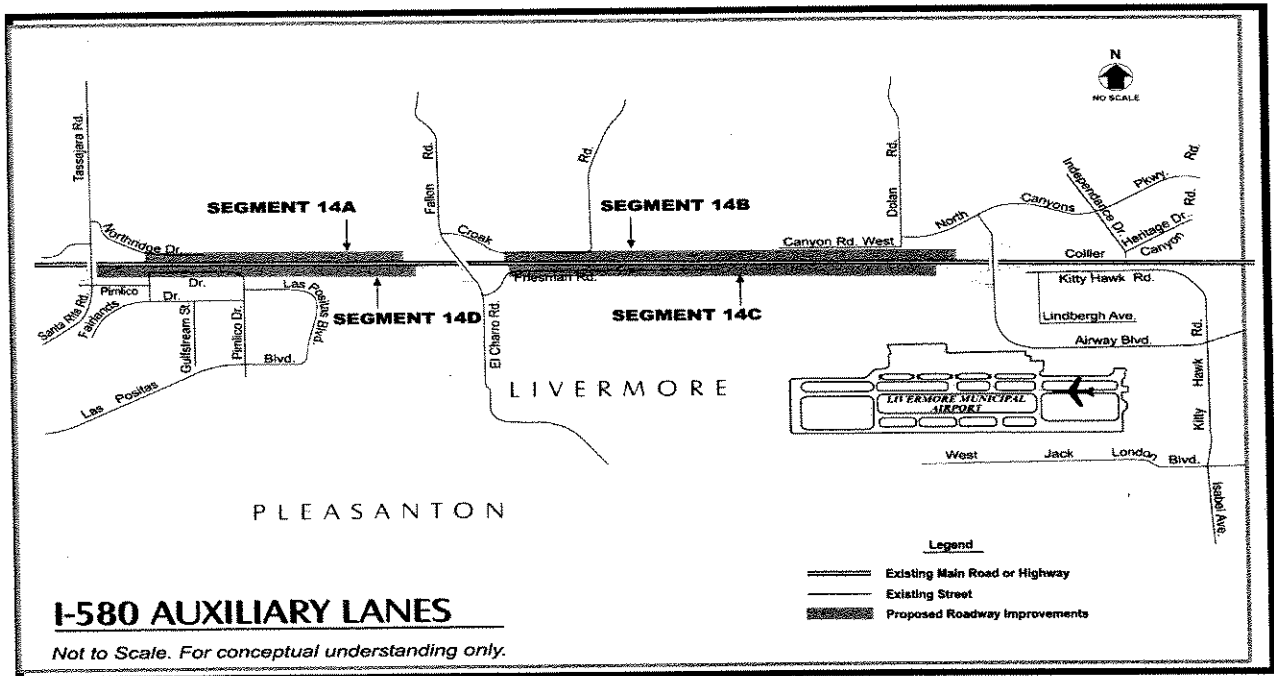
Staff will negotiate and execute the requisite agreements for the I-580 Auxiliary Lanes Project in anticipation of delivering the westbound I-580 auxiliary lane between I-580/Fallon Road Interchange and the I-580/Tassajara Road Interchange in 2007 and to begin the preliminary engineering/environmental analysis for the westbound I-580 auxiliary lane between the I-580/Airway Boulevard Interchange and I-580/Fallon Road Interchange lane in the fall of 2006.

**Discussions**

The I-580 Auxiliary Lane (Santa Rita Road to Airway Boulevard) Project is a Tier 1 project in Alameda County's 20-Year Transportation Plan, the Expenditure Plan for Measure B administered by ACTIA. The I-580 Auxiliary Lanes Project, ACTIA 14, includes four individual auxiliary lane segments between the I-580/Tassajara Road – Santa Rita Road Interchange in Dublin – Pleasanton and the I-580/Airway Boulevard Interchange in Livermore. See the map below.

The above actions are focused on the westbound I-580 auxiliary lanes, Segments 14A and 14B. The CMA is environmentally clearing, designing and will construct the eastbound I-580 Auxiliary Lane Project from the I-580/El Charro Road Interchange to the I-580/Airway Boulevard Interchange,

Segment 14C, with the I-580 Eastbound Interim HOV Lane Project. These auxiliary lanes will help to improve operations on westbound I-580 in the project area. The eastbound I-580 auxiliary lane between I-580/Santa Rita Road Interchange and the I-580/El Charro Interchange, Segment 14D, was previously completed with the construction of the City of Dublin's I-580/Tassajara Road Interchange Modification Project.



#### *Action 1:*

In the ACTIA Expenditure Plan, the sponsor of I-580 Auxiliary Lane Project is Caltrans. Staff, ACTIA and Caltrans have discussed and agreed on designating the CMA as Co-Sponsor for the I-580 Auxiliary Lanes Project. Having the CMA Co-Sponsor the I-580 Auxiliary Lanes Project is in keeping with existing CMA responsibility for the delivery of the I-580 HOV Lanes Project with Caltrans; furthermore, the Eastbound I-580 Auxiliary Lane, Segment 14C, is part of that project. Approving the Co-Sponsorship will allow ACTIA to enter into Funding Agreements with either agency, the CMA or Caltrans to advance project delivery.

#### *Action 2:*

The Master Project Funding Agreement with ACTIA was executed in 2002 and notes the general conditions, policies and procedures of all parties for the delivery of ACTIA projects under CMA sponsorship. The Master Project Funding Agreement also lists specific projects under CMA's sponsorship. Amendment No. 3 adds the I-580 Auxiliary Lane Project to the list of projects in the Master Project Funding Agreement, and allows the CMA to enter into Project Specific Funding Agreements for the various phases of the auxiliary lane segments.

#### *Action 3:*

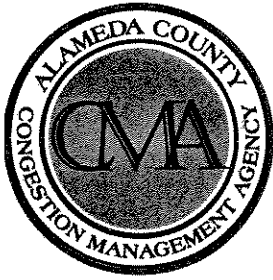
The Project Specific Funding Agreement provides \$1.5 million of ACTIA funds for the construction and construction management of the Segment 14A of the I-580 Auxiliary Lanes Project, Westbound I-580 between the I-580/Fallon Road and I-580/Tassajara Road Interchanges. Segment 14A already has State environmental clearance but not Federal environmental clearance. The CMA with

consultant assistance will environmentally clear and design Segment 14A as part of the I-580 HOV Lane Project, which includes auxiliary lanes. Construction of Segment 14A may occur as a stand alone project or could be added as a contract change order to other construction projects in the corridor, as appropriate.

*Action 4*

This Project Specific Funding Agreement provides \$400,000 in ACTIA funds for the preliminary engineering/environmental clearance effort for Segment 14B on the I-580 Auxiliary Lanes Project, westbound I-580 between I-580/Airway Boulevard and the I-580/Tassajara Boulevard Interchanges. CMA and ACTIA staff have mutually agreed to have ACTIA deliver the preliminary engineering and environmental effort, the subject of this agreement. It is anticipated that ACTIA will pursue a Request for Proposal for consultant assistance for preliminary engineering/environmental clearance this Spring, with the work effort beginning in the Fall.


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*Agenda Item 5.4  
April 10, 2006*

**DATE:** April 3, 2006  
**TO:** Administration and Legislation Committee  
**FROM:** Stefan Garcia, Supervising Principal Transportation Engineer   
**SUBJECT:** I-580 Corridor: Traffic Management Plan (TMP)/Advance Elements Project

**Action Requested**

It is recommended that the CMA Board authorize the Executive Director, or his designee, to take the following actions in support of expediting delivery of the I-580 Traffic Management Plan (TMP)/Advance Elements Project:

1. To negotiate and execute all necessary agreements for procurement of long lead items and specialty products to be used in the construction of the project for an amount not to exceed \$1,500,000; and
2. To release a Request for Proposal (RFP) to provide construction management services for this project and execute all necessary agreements with the selected consultant for an amount not to exceed \$1,250,000.

Funding will be provided from available I-580 corridor fund sources.

**Next Steps**

Staff will negotiate and draft the requisite agreements for the I-580 TMP/Advance Elements Project in anticipation of construction award by fall 2006.

**Background**

In March 2006, the CMA Board authorized the Executive Director, or his designee, to take three related actions in support of expediting delivery of the I-580 Traffic Management Plan (TMP)/Advance Elements Project:

- Negotiate and execute all necessary consulting, procurement and installation agreements with AT&T and CoValuate for systems and software design and implementation;
- Negotiate and execute a Cooperative Agreement with Caltrans for oversight of project development and construction activities for this project; and
- Negotiate and execute all necessary agreements with the Cities of Dublin, Livermore and Pleasanton, Zone 7, and Alameda County to enter, construct, operate and maintain TMP/Advance Elements within their jurisdictions.

The actions requested herein are in addition to these previous actions.

The I-580 TMP/Advance Elements Project will provide required traffic management elements that are necessary for the EB I-580 HOV Lane Project in advance of its construction. The TMP project is presently being environmentally cleared and designed with consultant assistance under contract to the CMA. Staff anticipates having the I-580 TMP/Advance Elements under construction in fall 2006. The CMA plans to administer the construction of this project. This accelerated schedule is prompting the need for the requested actions. Funding for all activities related to this project will be provided through existing grants programmed to the project. Additional supporting information for each action requested is provided in Attachment A.

## **Discussion**

### *Action 1:*

In order to meet the aggressive schedule, it is recommended that items that have a long lead time of four months or longer, such as Dynamic Message Signs (DMS) and poles, be procured in advance by CMA and made available to the construction contractor when needed. In addition, where compatibility between existing systems operated by Caltrans, LAVTA and local jurisdictions is required, staff is recommending that the CMA execute sole source contracts with the appropriate materials vendors. These items will include the Opticom Transit Priority Equipment, EIS Traffic Monitoring Units, and Naztec Signal Control system, which will be installed for Alameda County to be compatible with the existing system in the Tri-Valley area. These will be provided to the construction contractor as agency supplied materials. The existing vendors have supplied these materials to the various jurisdictions in the past and using these vendors for these items will ensure compatibility. The estimated maximum cost of the advance procurement items to be purchased is approximately \$1,500,000.

### *Action 2:*

The CMA is responsible for construction administration and management of the I-580 TMP/Advance Elements Project. Staff anticipates evaluating and selecting a qualified consultant to provide the necessary support for the construction administration, management and inspection of this project. Staff further anticipates contracting with the selected consultant prior to the start of construction to assist with bid packaging, quality assurance and constructability reviews. The estimated maximum cost for these services is approximately \$1,250,000.

## ATTACHMENT A

The I-580 TMP/Advance Elements Project will have all field devices in place, tested and functional before the construction of the EB I-580 Interim HOV Lane Project. The project will enable Caltrans, the CMA and local agencies to manage construction impacts and incidents and to provide real-time traffic and incident management in the corridor. The project will provide transit signal priority on designated major arterials in the Tri-Valley, providing infrastructure to support an express bus route during HOV construction, thereby promoting mass transit usage. The I-580 TMP/Advance Elements Project also includes Dynamic Message Signs (DMS), closed circuit TV (CCTV) cameras, Highway Advisory Radios (HAR), Extinguishable Message Signs (EMS), monitoring stations and ramp metering equipment (ramp meters will not be activated at this time) along the following routes:

- Along I-580 from west of Foothill Road to east of the Greenville Overhead , a distance of approximately 13.1 miles;
- Along I-680 from Sheridan Road to north of Alcosta Boulevard, a distance of approximately 13.8 miles (of which approximately 0.3 miles is in Contra Costa County); and
- Along SR 84 from I-680 to I-580, a distance of approximately 11.0 miles.

### *Action 1:*

Because of the current market conditions caused by heightened construction activity, many items, especially electrical items, have a long lead time between ordering and delivery. Several items must be ordered 4-6 months in advance of when needed. There are several items in the I-580 TMP/Advance Elements Projects, such as Dynamic Message Signs (DMSs) and poles that are known to have a long lead time. The intent is to have these items available to the construction contractor when needed to expedite the overall construction sequence and the completion of the project. Staff proposes to procure these long lead items by separate contract in advance of advertising the construction contract. Staff anticipates that the TMP will be fully operational prior to construction of the I-580 EB Interim HOV Lane Project; consequently it is imperative that this project not be subject to schedule extensions that can be avoided.

Furthermore, certain elements of the I-580 TMP/Advance Elements Project must be compatible with the existing systems operated by Caltrans, LAVTA and the local jurisdictions. To ensure compatibility with the existing systems, a number of items will be agency furnished items including the Opticom Transit Priority Equipment, EIS Traffic Monitoring Units, and Naztec Signal Control system which will be installed for Alameda County to be compatible with the existing SMART Corridors system in the Tri-Valley area. LAVTA anticipates using the Opticom Transit Signal Priority equipment to operate express bus routes. The Naztec Signal Control system will be installed in Alameda County to allow concurrent monitoring of the three Tri-Valley agencies and Alameda County traffic signal controls in the project corridor. Staff is recommending that sole source contracts be awarded where compatibility with existing infrastructure is necessary.

All of these materials are manufactured outside of Alameda County and therefore will not contribute to the CMA's SBE and LBE policy.

These long lead items are necessary for the expedited completion of the project construction. It is recommended that the Executive Director, or his designee, be authorized to execute a procurement agreement(s) for the long lead and sole-source items for work discussed herein.



*Action 2:*

The CMA will be administering and managing the construction of this project, which is anticipated in fall of 2006. The CMA needs to solicit consultant support for the construction administration, management and inspection of this project. The consultant services may include the following:

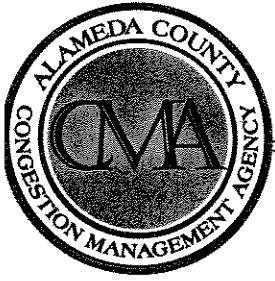
- Provide constructability and reasonableness reviews of the plans, specifications and estimate;
- Assist in the bidding process including preparation of bid package, advertisement, pre-bid meeting, responding to requests for information during the bid period, bid evaluation and award;
- Provide construction administration, management, inspection and testing services; and
- Provide construction closeout services.

The schedule for the RFP process is:

Release of RFP	May 2006
Proposals due	May 2006
Interviews	June 2006
Contract Execution	June 2006

This agreement will be subject to CMA's Small Business Enterprise (SBE) and Local Business Enterprise (LBE) policy of encouraging use of SBEs and LBEs.

Implementing this agreement in May 2006 will ensure sufficient time to have the constructability and reasonableness review before advertisement of the construction bid package. It is recommended that the Executive Director, or his designee, be authorized to release a RFP and execute all necessary agreements with the selected consultant.



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*Agenda Item 5.5  
April 10, 2006*

**Memorandum**

**DATE:** March 30, 2006  
**TO:** Administration and Legislation Committee  
**FROM:** Cyrus Minoofar, Principal Transportation Engineer  
**SUBJECT:** International/Telegraph Rapid Bus Project: Construction Project Status Report

**Action Requested:**

The CMA's adopted Construction Administration Guide requires that a quarterly construction status report be provided to the Administration and Legislation Committee. It is recommended that the Committee review and approve the attached Construction Contract Progress Report for activities through March 31, 2006.

**Discussion:**

The Alameda County CMA, in association with AC Transit, has secured a total of \$20,212,079 in Measure B, Regional Measure 2, Federal, TFCA, and STIP funds to plan, design and deploy the E. 14<sup>th</sup> Street/International Blvd/Telegraph Avenue Rapid Bus program. The project extends from Bayfair Center to the University of California at Berkeley Campus.

The CMA's adopted Construction Administration Guide requires that a quarterly construction status report be provided to the Administration and Legislation Committee. Attached is the Construction Contract Progress Report for activities through March 31, 2006.

CMA staff will provide a brief verbal presentation at the meeting.

# **INTERNATIONAL/TELEGRAPH RAPID BUS PROJECT**

## **Construction Status Report for January 1, 2006 through March 31, 2006**

### **PROJECT DESCRIPTION**

The International/Telegraph Rapid Bus Corridor project consists of three major arterial corridors in East Bay portion of San Francisco Bay Area: the East 14<sup>th</sup> – International Boulevard corridor, extending from Bayfair Center in San Leandro to 12<sup>th</sup> Street/Broadway in Oakland; the Broadway corridor, extending from 3<sup>rd</sup> Street to 20<sup>th</sup> Street in Oakland; and the Telegraph Avenue corridor, extending from 20<sup>th</sup> Street in Oakland to the campus of the University of California at Berkeley. The three corridors are critical AC Transit routes traveling through areas of high-density housing, with high-volume pedestrian and vehicular traffic present.

The purpose of the project is to implement an integrated, multi-modal advanced transportation management system similar to the SMART Corridors program and to deliver the Transit Signal Priority elements along these corridors in summer of 2006. The AC Transit Rapid Bus program and the CMA East Bay SMART Corridors program have evolved into a multi-year, multi-phase program, implementing several major infrastructure improvements in the corridors, and have contributed to forming and strengthening interagency coordination and cooperation.

### **Project Elements**

The International/Telegraph Rapid Bus Corridor project deploys a variety of civil, traffic, and Intelligent Transportation System (ITS) elements that would collectively improve the operation and safety of the arterial and the Rapid Bus corridors. Such improvements include:

1. Emergency Vehicle Pre-emption (EVP) and Transit Signal Priority (TSP) functions provide for the safe and fast passage of emergency vehicles as well as extending preferential treatment to the Rapid Buses at signalized intersections. These systems are implemented through the deployment of infrared detector and emitter modules.
2. Video Image Detection (VID) will detect vehicles at each leg of an intersection using fixed video cameras and associated image analysis software. This technology replaces inductive loops cut into the street surface which are impacted by pavement conditions.
3. Closed Circuit Television (CCTV) cameras will allow remote monitoring of conditions at an intersection by local agencies and the traveling public using video cameras connected to the Internet.
4. Microwave Vehicle Detection Systems (MVDS) will provide continuous information on the volume, speed and type of traffic moving through the corridor.
5. Traffic signal modifications including pedestrian pushbuttons, pedestrian traffic signal heads, traffic signal interconnection, traffic signal cabinet and controllers upgrades.
6. Various construction elements including curb ramps, sidewalk and bus stops modifications at various locations of the projects.

## **SUMMARY STATUS**

Construction work has intensified. The International/Telegraph Rapid Bus project consists of five construction contracts. One has been completed and three are underway and the last is in the award process, as discussed below.

Project activities have escalated with a projection of the projects being completed within budget and on time. As in most construction, a few issues have also been encountered and are being resolved. The Transit Signal Priority (TSP) completion date milestone has been changed from June 26, 2006, to July 28, 2008, to synchronize with AC Transit operational changes and to mitigate the impact of weather days on the construction calendar and to facilitate the completion of the TSP elements by the contractors within that time frame. The projected completion dates for all components including those not required for the Rapid Bus operation are: Broadway, April 28, 2006; Telegraph, July 15, 2006; and E. 14<sup>th</sup> – International Blvd., November 20, 2006.

A number of differing site conditions including sub-surface basement frontages and unmarked utilities have been encountered. Harris & Associates, the construction management team, is working with the contractors to resolve these issues. The followings are the contract and construction status of the projects:

## **CONTRACT AND CONSTRUCTION STATUS**

### **The 34<sup>th</sup> Avenue Bus Stops Modifications (Contractor: SIMCO Construction, Inc. of Oakland)**

- **Contract Status:** The contract started on June 1, 2005, and was completed within budget on July 3, 2005, for the total cost of \$97,986. The completion of this fast tracked contract facilitated the preliminary service of the International/Telegraph Rapid Bus by AC Transit, which provided for AC Transit's access to RM2 O&M funds through MTC.
- **Construction Status:** Completed, on time and on budget.

### **Broadway (Contractor: Ray's Electric, Inc. of Oakland)**

- **Contract Status:** The contract was awarded on July 28, 2005, by CMA, in the amount of \$590,170 (Base + Additives = \$331,980 + \$258,190). The base contract work is almost completed. The additives, already authorized by the CMA Board, would only be added when the construction costs for all the contracts awarded can reasonably be projected, based on contingency work and resolution of potential claims, to be done within the total program budget. Supplemental contract change orders in the amount of \$193,740 for the modification of bus stops and the installation of CCTV cameras for AC Transit have also been awarded to the contractor. The sum of \$230,000 was authorized for the supplemental work.
- **Construction Status:** Ray's Electric, the contractor, started construction activities on September 2, 2005, and has completed approximately 99 percent of the base bid items of the contract and is currently working on supplemental work and punch list items.

### **Telegraph (Contractor: Steiny and Co, Inc. of Vallejo)**

- **Contract Status:** The contract was awarded on July 28, 2005 by CMA in the amount of \$3,680,353 (Base + Additives=\$3,361,154 + \$319,199). Both the base and additive contract amounts have been authorized by CMA Board. The contractor started construction activities on September 2, 2005, and has completed over 70 percent of the contract. The sum of \$190,000 was authorized for supplemental work for the modification of bus stop and the installation of CCTV cameras for AC Transit.
- **Construction Status:** Steiny and Company, the contractor, has multiple crews working, and has completed all underground conduit installation work, installed all the service cabinets, controller cabinets and assemblies, Closed-circuit Television (CCTV) cabinets, pull boxes and signal interconnect (SIC) cables, installed all the TSP equipment except for five locations that are currently being worked on, and has started switching the new controllers for the existing controllers. The contractor will start approved supplemental work as soon as the design plans are finalized and the TSP elements are completed.

### **East 14<sup>th</sup> – International Blvd. (Contractor: Rosendin Electric, Inc. of San Jose)**

- **Contract Status:** The contract was awarded on September 22, 2005 in the amount of \$4,011,730.00 (Base + Additives=\$3,835,038 + \$176,692). However, at this time, in addition to the base work, the contractor has been directed to construct only some of the additive contract work authorized. The amount shown for the project is the \$4,011,730.00, which includes base and ALL additives. The remaining additive work, already authorized by the CMA Board, would only be added when the construction costs for all the contracts awarded can reasonably be projected, based on contingency work and resolution of potential claims, to be done within the total program budget. The contractor started construction on November 3, 2005, and has completed also approximately 50 percent of the contract. The sum of \$140,000 was authorized for supplemental work for the installation of CCTV cameras for AC Transit.
- **Construction Status:** Rosendin Electric, the contractor, also has multiple crews, and has completed all underground conduit installation work except for CCTV cameras, all SIC cables, pull boxes, and TSP discriminators between Bayfair Drive in the City of San Leandro and 42<sup>nd</sup> Avenue in the City of Oakland. Rosendin was not responsive to CMA's request-for-quotation for the supplemental work. Thus, the request-for-quotation for the work was rescinded from Rosendin, and provided to the other two contractors working on the Rapid Bus projects. CMA will issue a contract change order to do this supplemental work to the contractor with a better quote.

### **The Uptown Transit Center (Contractor: NTK Construction Inc. of San Francisco)**

- **Contract Status:** This project is an add-on to the International/Telegraph Rapid Bus corridor project. The winning bid was NTK, with bid amount of \$1,509,343.00. The contract is expected to be awarded and started in mid-April as all necessary permits from the City of Oakland have been issued.

## Financial Status

This section of the report includes a review of the project construction budget as well as a review and overall status of Contract Change Orders (CCOs).

### Budget and Expenditure Summary

The project and construction contracts are all within budget. Contract change orders have been issued to address differing site conditions and remove and avoid sub-surface structures and basement frontages that have been encountered during construction. Based on field investigations to date, it is anticipated that contract change order costs will increase due to unforeseen differing site conditions that may be encountered in the course of construction of the projects. The approved contingencies are expected to cover these costs. Shown in the tables below, is the status of the projects contingency funds:

#### **Project No. 05-05 - 34th Avenue Bus Stops Modifications**

Construction Bid Price (SIMCO):	\$88,500.00
Contingency and Budget Adjustment:	\$9,386.00
Total Construction Cost: <i>Actual</i> :	\$97,986.00

Status of Contract Change Orders (CCO) and Supplemental Work						
CCO No.	DESCRIPTION	Payment Method	Time	Amount	Paid to date	Budget Remaining
	CCO Budget and Budget Adjustment					\$9,386.00
1	Concrete Subbase in lieu of Asphalt Concrete	LS	0	\$6,714.00	\$6,714.00	\$2,672.00
2	Various Items Overruns/Underruns	Items	0	\$2,672.00	\$2,672.00	0

#### **Project No. 02-05 - Broadway**

Construction Bid Price (RAY'S ELECTRIC):	\$331,980.00
Supplemental Work and Contingency:	\$289,017.00
Total Construction Budget:	\$620,997.00

Status of Contract Change Orders (CCO) and Supplemental Work						
CCO No.	DESCRIPTION	Payment Method	Time	CCO Amount	Paid to date	Budget Remaining
	CCO Budget and Supplemental Budget					\$289,017.00
1	Perform Miscellaneous Work	FA	0	\$10,000.00	\$7151.65	\$279,017.00
2	Investigate and Restore Nextbus Signs <sup>(2)</sup>	FA	0	\$9,151.00	\$7553.00	\$269,866.00
3	Install MaxCell Innerduct	LS	0	\$4,693.00	\$4,693.00	\$265,173.00
4	Basement Wall Work	LS	0	\$5,824.00	\$5,824.00	\$259,349.00
5	Misc. conduit work on 8 <sup>th</sup> , 9 <sup>th</sup> , & 20 <sup>th</sup> Street	LS	0	\$14,255.00	\$14,255.00	\$245,094.00
6	Foundation Potholes <sup>(1)</sup>	LS	0	\$6,431.00	\$6,431.00	\$238,663.00
7	Bus Stop Modification - Broadway and 20 <sup>th</sup> <sup>(1)</sup>	LS	0	\$99,915.00	\$42,963.45	\$138,748.00
8	CCTV camera - 11 <sup>th</sup> & MLK to 2 <sup>nd</sup> & Clay <sup>(1)</sup>	LS	0	\$93,825.00	\$15,012.00	\$44,923.00
	Item Quantity Overruns			\$4,405.50	\$4,405.50	\$40,517.50

Note: 1 - Supplemental work added on to contract  
2 - New item of work

**Project No. 03-05 - Telegraph**

Construction Bid Price (STEINY): \$3,361,154.00  
Supplemental Work and Contingency: \$558,035.30  
Total Construction Budget: \$3,919,189

Status of Contract Change Orders (CCO) and Supplemental Work						
CCO No.	DESCRIPTION	Payment Method	Time	CCO Amount	Paid to date	Budget Remaining
	CCO Budget and Supplemental Budget					\$558,035.30
1	Perform Miscellaneous Work	FA	0	\$20,000.00	\$5,925.23	\$538,035.30
2	Installation of Four Pushbuttons at Ashby	FA	0	\$7,996.00	\$0.00	\$530,039.30
3	Repair Sewer Lines and Electrical Lines	FA	0	\$6,910.34	\$0.00	\$523,128.96
4	Remove Antennas and Cables	LS	0	\$16,625.00	\$0.00	\$506,503.96
	Item Quantity Overruns			\$2,200.00	\$2,200.00	\$504,303.96

**Project No. 04-05 - E14th - International**

Construction Bid Price (ROSENDIN): \$4,011,730.00  
Supplemental Work and Contingency: \$541,173.00  
Total Construction Budget: \$4,552,903.00

Status of Contract Change Orders (CCO) and Supplemental Work						
CCO No.	DESCRIPTION	Payment Method	Time	CCO Amount	Paid to date	Budget Remaining
	CCO Budget and Supplemental Budget					\$541,173.00
1	Perform Miscellaneous Work	FA	0	\$20,000.00	\$0.00	\$521,173.00
	Item Quantity Overruns			\$10,171.50	\$10,171.50	\$511,001.50

**Schedule Status**

When preparing project plans, the design engineer includes a specification that informs the contractor how long he has to perform the work. This information is provided in the form of Working days, which typically include only regular business days, or Calendar days, which do not include Saturday and Sunday. Days when weather conditions prevent work are not counted in the totals in the Working days format. Presented in the table below is a status of the construction contracts in terms of Working/Calendar Days completed as well as the number remaining.

<b>Project</b>	<b>34<sup>th</sup> Bus Stop Modifications</b>	<b>Broadway</b>	<b>Telegraph</b>	<b>East 14<sup>th</sup> - International</b>
Original Number of Working Days	20	90	210	210
First Working Day	6/13/2005	9/2/2005	9/2/2005	11/3/2005
Weather Day Delays to Date	0	8	10	19
Contract Change Order Days	0	0	30	30
Number of Working Days Charged to Date	20	122	120	69
Contract Time Completed to Date	100%	136 % <sup>(3)</sup>	50%	28.8%
Revised Completion Date Based on Weather Days	7/3/2005	1/ 30 /2006 <sup>(3)</sup>	7/15/2006	11/ 20/2006
Work Complete as of Billing to Date	100%	99 %	60%	40%

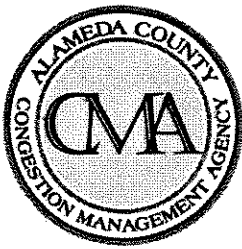
Note: 3 – Additional working days for supplemental work and contract change orders in excess of the 90 working days allotted for the base contract will be added upon completion of all extra work.

### **Outstanding Issues/Disputes/Claims**

At this stage of construction, many issues have been resolved and the outstanding issues are being discussed with the contractors to find a resolution. Most of the issues are related to differing site conditions encountered during construction including sub-surface basement frontages and unidentified utilities, and a potential claim for additional construction costs due to alleged an unanticipated existing deep structural section during potholing work. Rosendin Electric requested, and with approval of CMA, a subcontractor was added for the paving work in order to keep up with construction schedule.




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ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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*Agenda Item 5.6  
April 10, 2006*

**DATE:** March 30, 2006  
**TO:** Administration and Legislative Committee  
**FROM:** Diane Stark, Sr. Transportation Planner   
**SUBJECT:** Transit Oriented Development Technical Assistance Program

**Action Requested:**

In September 2005, the ACCMA Board recommended the initiation of a pilot TOD Technical Assistance Program, or TOD TAP to help TOD project sponsors overcome barriers to advancing TOD projects in Alameda County. The budget for the program is \$40,000, consisting of \$25,000 approved by ACTIA and \$15,000 from CMA's Transportation and Land Use (T Plus) program, funded by MTC. It is recommended that the CMA Board authorize the Executive Director, or his designee, to execute all necessary agreements with the Alameda County Transportation Improvement Authority (ACTIA) for the Transit Oriented Development Assistance (TOD TAP) Program in the amount of \$25,000.

**Next Steps**

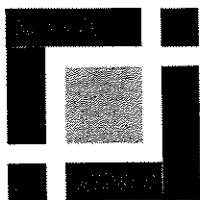
The technical consultant pool for the TOD TAP Program is expected to be selected in May 2006.

**Discussion:**

The TOD TAP program was established to focus on providing technical expertise to help advance TOD projects at eight sites in the Countywide Transportation Plan and make the information from those sites available for other TOD sites in Alameda County. The eight TOD sites identified in the Countywide Transportation Plan: MacArthur, Coliseum, West Oakland, San Leandro, Union City, Dublin/Pleasanton, Ashby/Ed Roberts, and Warm Springs.

The TOD TAP Program will provide a pool of on-call consultants to provide technical assistance to project sponsors in topics identified as challenges to advancing TODs in Alameda County. The topics identified by project sponsors for consultant expertise are stormwater regulations and alternative design and alternative parking solutions to address parking requirements at TODs. The TOD TAP program will be reviewed in one year to assess its utility in advancing TOD projects.

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## Lynn M. Suter

and Associates

Government Relations

April 10, 2006

Agenda Item 6.1

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March 31, 2006

TO: Dennis Fay, Executive Director  
Alameda County Congestion Management Agency

FR: Lynn M. Suter & Associates

RE: Legislative Update

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***Bonds on Delayed Transmission:*** Legislative leaders from all four caucuses met last week and yesterday afternoon to discuss reviving a "cleaner" bond package for the November ballot. The Governor has not been included in the discussions. The leaders hope to have a package ready for vote in both Houses by the time the Legislature adjourns for its spring recess on April 6. To do this, they will have to build on the successes and failures of the doomed June ballot attempt earlier this month. Legislators say the bond will lack some of the Christmas Tree aspects of the earlier effort, and be limited to school facilities and levee repairs (already passed by the Assembly) plus congestion relief and transit.

***When less is more. Or less:*** The leadership goal is to return to dollar amount less than the \$50 billion plus racked up in the negotiations led by the Governor. That puts in question such items as housing, homeless facilities, seismic for hospitals, and funding for urban park and Conservancies throughout the state. A big bone of contention is Republican demand for dam construction as part of the deal.

***Finding Uncommon Ground:*** As a back-up plan, environmentalists are working on their own bond for the November ballot. Like Props 40 and 50, the effort is financed by environmental groups and headed up by Joe Caves. This "independent" proposal would not include dams. Efforts to gather ballot signatures by the April 30 deadline may be cancelled if the legislature reaches an agreement earlier in the month.

***State Budget:*** The Budget Subcommittees from both houses are gearing up. Yesterday the Senate Budget Subcommittee #4 reviewed transportation spending. While the Subcommittee took action several minor noncontroversial items, the bulk of the items were held open for further action after the May Revise.

The \$920 million partial repayment of a Prop 42 loan is one of the items held open. The Committee analysis questioned the Governor's decision not to allocate the repayment proportionally to each account as prescribed in statute. The Governor's budget proposes to amend current law to shift a portion of the early repayment from the TCRP program and the Public Transportation Account to the STIP and local streets and roads.

---

Senate Sub 4 also held open the State Transit Assistance allocation. The budget currently allocates \$235 million to STA for the 2006-07 fiscal year. However, with gas prices climbing, Sub 4 held this item pending release of the May Revise, which usually updates the revenue forecast for this program.

The Assembly Budget Subcommittee #5 is scheduled to review transportation spending next week. It is expected that Sub 5 will also put over many of the same items until after the May Revise.

### Legislation

Bill	Topic	Status	Position
AB 1974 (Walters) I-02/09/2006	High-occupancy vehicle lanes.	02/16/2006-Referred to Com. on TRANS. (02/16/2006-A TRANS.)	Watch
	This bill would authorize any county board of supervisors to authorize the use of HOV lanes on the state highway system within the county by any highway vehicle, providing that this use is consistent with federal law.		
AB 2113 (Aghazarian) I-02/17/2006	Transportation: goods movement.	02/21/2006-From printer. May be heard in committee March 23. (02/17/2006-A PRINT)	Watch
	This bill would declare the intent of the Legislature to enact legislation to facilitate improvement in the movement of goods in northern California, specifically to and from the Port of Oakland and the Central Valley region.		
AB 2290 (DeVore) I-02/22/2006	State highway facilities designated for the exclusive use of commercial trucks: user fees.	03/02/2006-Referred to Com. on TRANS. (03/02/2006-A TRANS.)	Watch
	This bill would authorize Caltrans or regional transportation entities to enter into franchise agreements with public and private entities to construct truck toll lanes along state highways. The bill would authorize user fees to be collected during the franchise agreement period, and would authorize the California Transportation Commission to approve continuation of those fees after the termination of the agreement.		

AB 2295 (Arambula) I-02/22/2006	Transportation capital improvement projects.	03/02/2006-Referred to Com. on TRANS. (03/02/2006-A TRANS.)	Watch
This bill would state that local road rehabilitation projects are eligible for the regional share of STIP funds.			
AB 2361 (Huff) A-03/28/2006	Transportation: federal funds: border infrastructure funds.	03/29/2006-Re-referred to Com. on TRANS. (03/29/2006-A TRANS.)	Watch
<p>This bill would exempt from the county share formula requirements any SAFETEA-LU funds dedicated for the coordinated border infrastructure program. In addition, this bill would require these funds to be programmed by the CTC through a competitive grant program separate from the STIP. Priority would be given to projects that reduce congestion and facilitate goods movement between the Mexico border and other regions.</p> <p>This bill is similar to SB 1282 (Ducheny).</p>			
AB 2444 (Klehs) I-02/23/2006	Congestion management and motor vehicle environmental mitigation fees.	03/13/2006-Referred to Coms. on TRANS. and L. GOV. (03/14/2006-A TRANS.)	Sponsor
<p>This bill would authorize the congestion management agencies in the 9 Bay Area counties, to impose an annual fee of up to \$5 on motor vehicles registered within those counties. The fee could only be imposed if approved by a 2/3 vote of the agency's governing board and used congestion relief projects. This bill would also authorize MTC to impose a \$5 registration fee that would be split between the air district and the regional water board for projects that address the mitigate the impact vehicles have on the environment.</p> <p>AB 2444 will be amended to clarify that these funds can be used for roadway projects, not including the construction of through freeway lanes. The bill will also be amended to designate the Air District instead of MTC as the entity responsible for imposing the second fee, and increase the return to source requirement from 50% to 75%.</p>			

AB 2538 (Wolk) I-02/23/2006	Transportation funds: planning and programming regional agencies.	03/13/2006-Referred to Com. on TRANS. (03/14/2006-A TRANS.)	Watch
	This bill would authorize each transportation planning agency or county transportation commission to request and receive up to 5% of regional STIP funds for project planning, programming, and monitoring. The bill would change the references to "regional improvement funds" to instead refer to "county shares."		
AB 2621 (Strickland) I-02/24/2006	Sales and use taxes: exemption: gasoline.	03/13/2006-Referred to Com. on REV. & TAX. (03/14/2006-A REV. & TAX)	Watch
	This bill would exempt motor vehicle fuel from the sales and use tax.		
AB 2630 (Benoit) A-03/27/2006	Grade separation project funding.	03/28/2006-Re-referred to Com. on TRANS. (03/28/2006-A TRANS.)	Watch
	This bill revises two of the restrictions on allocating state funds for grade separation projects. First, the bill would allow CTC to grant an agency two grade separation projects within a 10 year period. Second, the bill would allow a local entity to pay the 10% match contribution that is currently required by railroad corporations. This would be in addition to a local entity's existing 10% fund match requirement.		
AB 2873 (Wolk) I-02/24/2006	County sales and use taxes: rate increase	03/30/2006-Referred to Coms. on L. GOV. and REV. & TAX. (03/30/2006-A L. GOV.)	Watch
	<p>AB 2873 is the reintroduction of SB 1020 (Migden) from last session, which allowed a county to essentially double the TDA sales tax rate that is dedicated to public transit operations.</p> <p>This bill would authorize a county or city and county to impose an additional 1/4 of 1% sales and use tax rate under the Bradley-Burns Law. The revenue would be deposited into a local transportation fund, as specified. This bill would also require the sales tax increase to be subject to any applicable voter-approval requirements in California Constitution.</p>		

AB 3031 (Houston) I-02/24/2006	State highways: seismic retrofit and replacement projects.	03/20/2006-Referred to Coms. on NAT. RES. and TRANS. (03/20/2006-A NAT. RES.)	Watch
	Existing law exempts certain state-owned toll bridge seismic retrofit and replacement projects from specified environmental, contracting, and permitting requirements under state law. This bill would extend these exemptions to other state highway seismic retrofit and replacement projects.		
SB 1282 (Ducheny) A-03/29/2006	Transportation: federal funds: border infrastructure program.	03/29/2006-From committee with author's amendments. Read second time. Amended. Re-referred to committee. (02/22/2006-S T. & H.)	Watch
	<p>This bill specifies that federal funds for the coordinated border infrastructure program (CBI) shall be included, but separately identified, in the fund estimates for the STIP, ITIP, and in the STIP adopted by the CTC. These funds would also be exempt from the allocation formulas.</p> <p>Under existing law the CBI funds would be allocated pursuant to the STIP process, and these funds would count against the recipient's county share allocation.</p>		
SB 1611 (Simitian) I-02/24/2006	Congestion management fees.	03/27/2006-Set for hearing April 25. (03/09/2006-S T. & H.)	Watch
	<p>This bill would authorize a congestion management agency to impose an annual fee of up to \$20 on each motor vehicle registered within the county for transportation projects and programs.</p> <p>The bill would require the adoption of an expenditure plan along with associated performance measures and a budget to be adopted before the fee is imposed. The bill would require the resolution to be adopted by a 2/3 vote of the governing board.</p>		
SB 1619 (Dutton) A-03/27/2006	Sales and use taxes: exemptions: fuel and petroleum products: air common carriers.	03/30/2006-Set for hearing April 26. (03/09/2006-S REV. & TAX)	Watch
	This bill would exempt air common carriers from paying sales tax		



	<p>on the cost of fuel that exceeds \$1.13 per gallon. This exemption would take effect on January 1, 2007 and sunset on January 1, 2012.</p> <p>The bill would not exempt air common carriers from paying local sales taxes unless the city, county or district elects to exempt these sales from the local tax. While the exemption on local taxes is a local option, it is unclear if the application of a local transportation sales tax is a local option.</p>		
SB 1703 (Lowenthal) I-02/24/2006	California Transportation Commission.	03/09/2006-To Com. on T. & H. (03/09/2006-S T. & H.)	Watch
	<p>This bill would change the composition of the California Transportation Commission to consist of 7 members appointed by the Governor, 1 member appointed by the Senate Committee on Rules, and 1 member appointed by the Speaker of the Assembly, plus the 2 ex officio nonvoting legislative members.</p>		
SB 1791 (Margett) I-02/24/2006	Highways: exclusive-use or preferential-use lanes.	03/09/2006-To Com. on T. & H. (03/09/2006-S T. & H.)	Watch
	<p>This bill would request the University of California to conduct a study in consultation with Caltrans evaluating the effectiveness of different types of highway lanes. This study is similar to Senator McClintock's efforts to compare the effectiveness of HOV lanes, HOT lanes, and mixed flow lanes.</p>		
SB 1812 (Runner) A-03/28/2006	Department of Transportation: surface transportation project delivery pilot program.	03/28/2006-From committee with author's amendments. Read second time. Amended. Re-referred to committee. (03/09/2006-S T. & H.)	Watch
	<p>This bill would allow California to participate in a federal pilot program that grants Caltrans to authority to approve FHWA environmental documents. Authorizing Caltrans to approve federal environmental documents should accelerate project delivery.</p>		

# Copeland Lowery Jacquez Denton & White LLC

Specializing in Government Relations

## MEMORANDUM

**TO:** Dennis Fay, Jean Hart and Frank Furger  
ACCMA

**FROM:** Jim Copeland & Emily Bacque  
Copeland Lowery Jacquez Denton & White

**RE:** Washington, D.C. Update

**DATE:** March 31, 2006

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The House and Senate will recess at the end of next week for a two week Easter Recess. The Senate will focus on immigration legislation and the House will try to pass its FY07 Budget Resolution before they adjourn.

### **FY07 Budget**

Members of the House are bracing for next week's floor debate on the \$2.8 trillion FY07 Budget, which includes an \$873 billion cap on discretionary spending. As things currently stand, House leaders face a tough fight from both moderate and conservative Republicans, who have outlined competing demands for more and less spending respectively. Moderates, uneasy after several years of austere spending, demand more money for education, health care and other domestic programs. Conservatives, on the other hand, want to further cut spending through another big round of Budget Reconciliation and want to enact a number of new budget process restrictions into law. The House Budget Committee plan would cut \$6.8 billion from mandatory spending programs, which conservatives view as far too low a number. They want to aggressively continue the Budget Reconciliation process with more cuts to mandatory spending. House leadership is negotiating with both factions, but a compromise will be tough to reach.

### **Lobbying and Earmark Reform**

The Senate voted 90-8 to change the way law makers and lobbyists conduct business. The legislation bans meals and gifts from lobbyists and requires a review and full disclosure on privately funded travel by members. In addition, earmarks added in conference to appropriations or authorization bills would be subject to points of order on the floor. Sixty votes would be needed to waive any objections. Conference reports would be posted on the Internet at least 48 hours before a Senate vote. Bills, amendments, and conference reports would identify the senator responsible for each earmark.

The House Committees with jurisdiction over its lobbying reform legislation has not yet scheduled mark ups for the legislation. House leadership has not scheduled floor time either.

**FY07 Appropriations**

Senate Subcommittee deadlines are the week of April 3. Markups will begin in May. The appropriate Hill offices have been educated about ACCMA's appropriations needs for the coming year. CLJ has followed up with those offices to make sure they have all the necessary information.

AMENDED IN ASSEMBLY JANUARY 23, 2006  
AMENDED IN ASSEMBLY JANUARY 13, 2006  
AMENDED IN ASSEMBLY JANUARY 4, 2006  
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1020**

**Introduced by Assembly Member Hancock**

February 22, 2005

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An act to add Chapter 2.68 (commencing with Section 65089.60) to Division 1 of Title 7 of the Government Code, relating to planning.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1020, as amended, Hancock. Transportation planning: improved travel models.

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional agencies.

This bill would require the department, in partnership with certain federally designated metropolitan planning organizations and certain state-designated regional transportation planning agencies, to provide a notice to the Legislature by January 31, 2007, on a schedule for a comprehensive review and evaluation of current travel models and model improvements already underway. The bill would require these planning organizations and agencies using travel models to use models that incorporate specified factors, thereby imposing a state-mandated local program. The bill would identify other objectives that may be included in the travel models. The bill would enact other related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Improved transportation planning can have dramatic  
4 economic and environmental benefits for California residents,  
5 and can make government expenditures on transportation  
6 infrastructure far more cost-effective.

7 (b) Better transportation infrastructure ~~and planning decisions~~  
8 ~~and better land use planning decisions can have immense~~  
9 ~~benefits on~~ *by the agencies responsible for those decisions can*  
10 *be of immense benefit to California's air quality and economy.*  
11 Motor vehicles produce over 60 percent of smog precursor  
12 emissions in some urban regions, and automobile usage costs  
13 California households one hundred billion dollars  
14 (\$100,000,000,000) annually. Improvements in transportation  
15 ~~planning, incorporating accurate evaluation of the effect of land~~  
16 ~~use practices and policies eventually~~ could reduce these  
17 environmental and economic impacts by 30 percent or more.

18 (c) Current planning models used for making transportation  
19 infrastructure decisions and for air quality planning do not  
20 always adequately reflect the effect of compact residential  
21 development patterns, the effect of mass transit on reducing car  
22 ownership and overall travel, the effect of highways on inducing  
23 additional automobile traffic, and the effect of economic  
24 incentives such as tolls, transit pricing, and parking charges.

25 (d) Because of these widespread modeling deficiencies,  
26 elected officials and other government decisionmakers often do  
27 not get adequate information on which to base multibillion dollar

1 transportation decisions, resulting in erroneous decisions being  
2 made.

3 (e) State-of-the-practice transportation planning models can  
4 account more accurately for the potential benefits of  
5 comprehensive planning and allow decisionmakers to be better  
6 informed.

7 (f) In addition, better travel models can assist metropolitan  
8 planning organizations (MPOs) in assessing ~~growth-inducing and~~  
9 cumulative impacts of transportation plans, as required by the  
10 California Environmental Quality Act and the National  
11 Environmental Policy Act.

12 (g) The Department of Transportation is working with MPOs  
13 and regional transportation planning agencies to develop more  
14 effective transportation models. Significant improvements have  
15 been made in transportation modeling practices, however, the  
16 improved models are not yet widely and consistently used. These  
17 models can also be used in air quality planning to enhance  
18 emissions reductions and to cut the cost of clean air compliance.

19 (h) It is therefore the intent of the Legislature to require  
20 improvements to transportation modeling statewide in a timely  
21 fashion to ensure that transportation dollars are wisely spent.

22 SEC. 2. Chapter 2.68 (commencing with Section 65089.60) is  
23 added to Division 1 of Title 7 of the Government Code, to read:

24

25 CHAPTER 2.68. INTEGRATED TRANSPORTATION AND LAND  
26 USE PLANNING

27

28 65089.60. (a) "Designated MPO" means the following  
29 metropolitan planning organizations (MPOs): the Southern  
30 California Association of Governments, the Metropolitan  
31 Transportation Commission and the Association of Bay Area  
32 Governments, the San Diego Association of Governments, the  
33 Association of Monterey Bay Area Governments, and the  
34 Sacramento Area Council of Governments.

35 (b) "Designated RTPA" means the regional transportation  
36 planning agencies (RTPAs) for the following areas: all counties  
37 in the San Joaquin Valley, and Monterey, San Luis Obispo, Santa  
38 Barbara, and Santa Cruz Counties.

39 (c) "Department" means the Department of Transportation.

1 65089.61. The department, in partnership with the designated  
2 MPOs and the designated RTPAs, shall provide a notice to the  
3 Legislature by January 31, 2007, on a schedule for a  
4 comprehensive review and evaluation of the current travel  
5 models and model improvements already underway.

6 65089.62. Whenever models are now used by the designated  
7 MPOs and RTPAs, the models shall incorporate the following:

8 (a) Account for the influence of land use intensity (housing  
9 units per residential acre or equivalent) and transit service levels  
10 on automobile ownership and vehicles miles traveled per  
11 household.

12 (b) Employ mode split models that allocate trips between  
13 pedestrian, bicycle, transit, carpool, and single-occupant  
14 automobile modes.

15 (c) Careful representation of all transit lines and roads.

16 (d) Land use models based on bidding for floorspace and  
17 implemented on small zones or parcels.

18 65089.63. The travel models may do both of the following:

19 (a) Account for travel demands during at least four time  
20 intervals during the day.

21 (b) Account for induced travel and induced land development  
22 resulting from highway or passenger rail expansion.

23 65089.64. The travel models should be capable of evaluating  
24 at least the following policy choices:

25 (a) Land use intensification.

26 (b) The impact of enhanced transit service levels on reducing  
27 overall vehicular travel and car ownership.

28 (c) Mixed land uses.

29 (d) Parking charges and parking cash-out.

30 (e) Peak period freeway tolls.

31 (f) Twenty-four-hour freeway tolls.

32 (g) Neighborhood plans that enhance pedestrian access.

33 (h) A freight travel model and a commodity flows travel  
34 model should additionally be included in the travel models of the  
35 designated MPOs.

36 65089.65. The department, in partnership with the designated  
37 MPOs and RTPAs, is encouraged to develop budgeting plans that  
38 ensure the continuous improvement of travel models. All models  
39 should be peer reviewed at least every 10 years. Household travel  
40 surveys used in the models should adequately sample all modes,

1 to the extent statistically feasible, and should be updated at least  
2 every 10 years. The department, in partnership with designated  
3 MPOs and RTPAs, should validate predicted versus measured  
4 vehicle speeds on highways and traffic volumes by time of travel  
5 on roadway links.

6 65089.66. The evaluation of large private and public land  
7 development projects should be done with models that accurately  
8 account for the impacts of density, mix, and other efficient land  
9 use policies on travel. These models may be simpler than those  
10 used for transportation projects.

11 65089.67. All transportation models used by state or regional  
12 agencies should be usable on personal computers for public use.  
13 This section does not require agencies to provide commercial  
14 software developed by third parties that may be needed to run the  
15 model.

16 65089.68. If the agencies identified in subdivisions (a) and  
17 (b) of Section 65089.60 meet the modeling requirements of this  
18 chapter, their models shall be considered state of the practice and  
19 fully adequate technically.

20 65089.69. The department, in consultation with the California  
21 Association of Councils of Governments, shall meet at least  
22 annually with the designated MPOs and RTPAs to evaluate their  
23 progress in meeting the technical requirements listed in this  
24 chapter, and to identify resources available to assist them in  
25 meeting the requirements in the most timely and complete  
26 manner practical. In this process, the department may modify or  
27 extend the technical requirements of this chapter.

28 SEC. 3. If the Commission on State Mandates determines that  
29 this act contains costs mandated by the state, reimbursement to  
30 local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.

O



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**ASSEMBLY BILL**

**No. 2113**

**Introduced by Assembly Member Aghazarian**

February 17, 2006

---

An act relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2113, as introduced, Aghazarian. Transportation: goods movement.

Existing law authorizes various state agencies and departments to facilitate the movement of goods within the state.

This bill would declare the intent of the Legislature to enact legislation to facilitate improvement in the movement of goods in northern California, specifically to and from the Port of Oakland and the Central Valley region.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation to facilitate improvement in the movement of goods in
- 3 northern California, specifically to and from the Port of Oakland
- 4 and the Central Valley region.

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**ASSEMBLY BILL**

**No. 2873**

**Introduced by Assembly Member Wolk**

February 24, 2006

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An act to amend Section 29530 of the Government Code, and to add Section 7203.25 to the Revenue and Taxation Code, relating to local government finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 2873, as introduced, Wolk. County sales and use taxes: rate increase

The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns Law) authorizes a county and a city and county to impose a local sales and use tax, and similarly authorizes a city, located within a county imposing such a tax rate, to impose a local sales tax rate that is credited against the county rate. Existing law requires a city, county, or city and county imposing a local sales and use tax pursuant to the Bradley-Burns Law to contract with the State Board of Equalization to administer the local sales and use tax. Existing law authorizes a county or city and county to contract with the State Board of Equalization to establish a local transportation fund in the county treasury for the deposit of  $\frac{1}{4}$  of 1% of the revenues collected for the county or city and county under the Bradley-Burns Law for specified transportation purposes.

This bill would authorize a county or city and county to impose an additional  $\frac{1}{4}$  of 1% sales and use tax rate under the Bradley-Burns Law. This bill would require a county or city and county that imposes this additional rate to deposit all revenues derived therefrom, less specified administrative costs, into a local transportation fund, as specified. This bill would also require a county or a city and county

that imposes this additional tax to comply with the applicable voter-approval requirements of a specified provision of the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 29530 of the Government Code is  
2 amended to read:

3 29530. (a) If the board of supervisors so agrees by contract  
4 with the State Board of Equalization, the board of supervisors  
5 shall establish a local transportation fund in the county treasury  
6 and shall deposit in the fund all revenues transmitted to the  
7 county by the State Board of Equalization under Section 7204 of  
8 the Revenue and Taxation Code, which are derived from that  
9 portion of the taxes imposed by the county at a rate in excess of 1  
10 percent, and on and after July 1, 2004, until the rate  
11 modifications in subdivision (a) of Section 7203.1 of the  
12 Revenue and Taxation Code cease to apply, at a rate in excess of  
13 three-quarters of 1 percent, pursuant to Part 1.5 (commencing  
14 with Section 7200) of Division 2 of that code, less an allocation  
15 of the cost of the services of the State Board of Equalization in  
16 administering the sales and use tax ordinance related to the rate  
17 in excess of 1 percent, and on and after July 1, 2004, until the  
18 rate modifications in subdivision (a) of Section 7203.1 of the  
19 Revenue and Taxation Code cease to apply, to the rate in excess  
20 of three-quarters of 1 percent, and of the Director of  
21 Transportation and the Controller in administering the  
22 responsibilities assigned to him or her in Chapter 4 (commencing  
23 with Section 99200) of Part 11 of Division 10 of the Public  
24 Utilities Code.

25 (b) (1) *The board of supervisors of a county or city and*  
26 *county that imposes a tax pursuant to Section 7203.25 of the*  
27 *Revenue and Taxation Code shall contract with the State Board*  
28 *of Equalization to establish a local transportation fund in the*  
29 *county or city and county treasury, and shall deposit in the fund*  
30 *all revenues transmitted to the county or city and county by the*  
31 *State Board of Equalization under Section 7204 of the Revenue*  
32 *and Taxation Code that are derived from that portion of the taxes*

1 *imposed by the county or city and county under Section 7203.25*  
2 *of the Revenue and Taxation Code, less an allocation of the cost*  
3 *of the services of the State Board of Equalization in*  
4 *administering the sales and use tax ordinance related to that rate*  
5 *and the Director of Transportation and the Controller in*  
6 *administering the responsibilities assigned to him or her in*  
7 *Chapter 4 (commencing with Section 99200) of Part 11 of*  
8 *Division 10 of the Public Utilities Code.*

9 (2) *The board of supervisors of a county or city and county*  
10 *that has established a local transportation fund under*  
11 *subdivision (a) is deemed to have established the local*  
12 *transportation fund described in paragraph (1). The board of*  
13 *supervisors shall deposit into that fund all revenues described in*  
14 *paragraph (1).*

15 (c) Any interest or other income earned by investment or  
16 otherwise of the local transportation fund shall accrue to and be a  
17 part of the fund.

18 SEC. 2. Section 7203.25 is added to the Revenue and  
19 Taxation Code, to read:

20 7203.25. (a) Notwithstanding any other provision of law, on  
21 and after January 1, 2006, a county and a city and county may,  
22 for the purposes specified in subdivision (b) of Section 29530 of  
23 the Government Code, impose a sales and use tax rate of  
24 one-quarter of 1 percent, in addition to the rates authorized by  
25 Sections 7202 and 7203, for the privilege of selling tangible  
26 personal property at retail in the county or city and county, and  
27 upon the storage, use or other consumption in the county or city  
28 and county of tangible personal property purchased from any  
29 retailer for storage, use or other consumption in the county or  
30 city and county.

31 (b) A county and city and county that imposes a tax pursuant  
32 to subdivision (a) shall comply with both of the following:

33 (1) All other applicable provisions of this part.

34 (2) The applicable voter-approval requirements of Section 2 of  
35 Article XIII C of the California Constitution when the county or  
36 city and county imposes, extends, or increases the tax authorized  
37 by this section.

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**ASSEMBLY BILL**

**No. 2538**

**Introduced by Assembly Member Wolk**

February 23, 2006

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An act to amend Section 14527 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2538, as introduced, Wolk. Transportation funds: planning and programming regional agencies.

Existing law generally provides for programming and allocation of funds for transportation capital improvement projects through the State Transportation Improvement Program process administered by the California Transportation Commission. Existing law requires 25% of available funds to be programmed and expended on interregional improvement projects nominated by the Department of Transportation, and 75% of available funds to be programmed and expended on regional improvement projects nominated by regional transportation planning agencies or county transportation commissions, as applicable, through adoption of a regional transportation improvement program. Existing law authorizes a transportation planning agency or county transportation commission to request and receive up to 1% of regional improvement fund expenditures for the purposes of project planning, programming, and monitoring, but authorizes an amount up to 5% of those expenditures for a transportation planning agency or county transportation commission not receiving federal metropolitan planning funds.

This bill would instead authorize each transportation planning agency or county transportation commission to request and receive up to 5% of those funds for the purposes of project planning,



programming, and monitoring. The bill would also establish a minimum amount to be allocated for this purpose. The bill would change the references to "regional improvement funds" to instead refer to "county shares." The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14527 of the Government Code is  
2 amended to read:  
3 14527. (a) After consulting with the department, the regional  
4 transportation planning agencies and county transportation  
5 commissions shall adopt and submit to the commission and the  
6 department, not later than December 15, 2001, and December 15  
7 of each odd-numbered year thereafter, a five-year regional  
8 transportation improvement program in conformance with  
9 Section 65082. In counties where a county transportation  
10 commission or authority has been created pursuant to Chapter 2  
11 (commencing with Section 130050) of Division 12 of the Public  
12 Utilities Code, ~~the that~~ commission or the authority shall adopt  
13 and submit the county transportation improvement program, in  
14 conformance with Sections 130303 and 130304 of that code, to  
15 the multicounty designated transportation planning agency. Other  
16 information, including a program for expenditure of local or  
17 federal funds, may be submitted for information purposes with  
18 the program, but only at the discretion of the transportation  
19 planning agencies or the county transportation commissions. *As*  
20 *used in this section, "county transportation commission"*  
21 *includes a transportation authority created pursuant to Chapter*  
22 *2 (commencing with Section 130050) of Division 12 of the Public*  
23 *Utilities Code.*  
24 (b) The regional transportation improvement program shall  
25 include all projects to be funded with ~~regional improvement~~  
26 ~~funds the county share~~ under paragraph (2) of subdivision (a) of  
27 Section 164 of the Streets and Highways Code. The regional  
28 programs shall be limited to projects to be funded in whole or in  
29 part with ~~regional improvement funds the county share~~ that shall  
30 include all projects to receive allocations by the commission

1 during the following five fiscal years. For each project, the total  
2 expenditure for each project component and the total amount of  
3 commission allocation and the year of allocation shall be stated.  
4 The total cost of projects to be funded with ~~regional~~  
5 ~~improvement funds~~ *the county share* shall not exceed the amount  
6 specified in the fund estimate made by the commission pursuant  
7 to Section 14525.

8 (c) The regional transportation planning agencies and county  
9 transportation commissions may recommend projects to improve  
10 state highways with *the interregional-improvement funds share*  
11 pursuant to subdivision (b) of Section 164 of the Streets and  
12 Highways Code. The recommendations shall be separate and  
13 distinct from the regional transportation *improvement* program. A  
14 project recommended for funding pursuant to this subdivision  
15 shall constitute a usable segment and shall not be a condition for  
16 inclusion of other projects in the regional transportation  
17 improvement program.

18 (d) The department may nominate or recommend the inclusion  
19 of projects in the regional transportation improvement program  
20 to improve state highways with ~~regional transportation~~  
21 ~~improvement funds~~ *the county share* pursuant to paragraph (2) of  
22 subdivision (a) ~~and subdivision (e)~~ of Section 164 of the Streets  
23 and Highways Code. A regional transportation planning agency  
24 and a county transportation commission shall have sole authority  
25 for determining whether any of the project nominations or  
26 recommendations are accepted and included in the regional  
27 transportation improvement program adopted and submitted  
28 pursuant to this section. This authority provided to a regional  
29 transportation planning agency or to a county transportation  
30 commission extends only to a project located within its  
31 jurisdiction.

32 (e) Major projects shall include current costs updated as of  
33 November 1 of the year of submittal and escalated to the  
34 appropriate year, and shall be consistent with, and provide the  
35 information required in, subdivision (b) of Section 14529.

36 (f) The regional transportation improvement program may not  
37 change the project delivery milestone date of any project as  
38 shown in the prior adopted state transportation improvement  
39 program without the consent of the department or other agency  
40 responsible for the project's delivery.

1 (g) Projects may not be included in the regional transportation  
2 improvement program without a complete project study report or,  
3 for a project that is not on a state highway, a project study report  
4 equivalent or major investment study.

5 (h) ~~The~~ *Each* transportation planning ~~agencies~~ *agency* and  
6 county transportation ~~commissions~~ *commission* may request and  
7 receive an amount not to exceed ~~1~~ 5 percent of ~~their regional~~  
8 ~~improvement fund expenditures~~ *its county share* for the purposes  
9 of project planning, programming, and monitoring. ~~A~~  
10 ~~transportation planning agency or county transportation~~  
11 ~~commission not receiving federal metropolitan planning funds~~  
12 ~~may request and receive an amount not to exceed 5 percent of its~~  
13 ~~regional improvement fund expenditures for the purposes of~~  
14 ~~project planning, programming, and monitoring~~ *In no case shall*  
15 *these amounts be less than the respective percentage of the*  
16 *county share for a state transportation improvement program of*  
17 *one billion two hundred fifty million dollars (\$1,250,000,000) per*  
18 *year.*

19 (i) *For the purposes of this section, "county share" shall mean*  
20 *"regional improvement funds" and "interregional share" shall*  
21 *mean interregional improvement funds.*

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**SENATE BILL**

**No. 1812**

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**Introduced by Senator Runner**

February 24, 2006

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An act to add Section 820.1 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1812, as amended, Runner. Department of Transportation: surface transportation project delivery pilot program.

Existing law gives the Department of Transportation full possession and control of state highways and associated property. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, as specified. The Secretary is authorized to permit up to 5 states, including California, to participate in the program and California has agreed to that participation.

This bill would authorize the Director of Transportation to consent to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities assumed pursuant to the surface transportation project delivery pilot program, and would make related provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 820.1 is added to the Streets and
- 2 Highways Code, to read:

1 820.1. (a) The director is authorized to consent to the  
2 jurisdiction of the federal courts with regard to the compliance,  
3 discharge, or enforcement of the responsibilities assumed by the  
4 department pursuant to *Section 326 of, and* subsection (a) of  
5 Section 327 of, Title 23 of the United States Code.

6 (b) Consent to the jurisdiction of the federal courts pursuant to  
7 subdivision (a) shall constitute a waiver of the state's Eleventh  
8 Amendment protection against lawsuits brought in federal court.  
9 *The waiver, as applied to Section 326 of Title 23 of the United*  
10 *States Code, shall expire at the end of three years if the*  
11 *assumption of responsibilities is not renewed, or if the*  
12 *assumption of responsibilities is terminated under subsection (d)*  
13 *of Section 326 of Title 23 of the United States Code. The waiver,*  
14 *as applied to subsection (a) of Section 327 of Title 23 of the*  
15 *United States Code, shall expire upon termination of the*  
16 *program, or of the state's participation in the program, under*  
17 *subsection (i) of Section 327 of Title 23 of the United States*  
18 *Code, except that the waiver shall remain in effect for any*  
19 *responsibility carried out by the state prior to that termination.*

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AMENDED IN SENATE JANUARY 5, 2006

AMENDED IN ASSEMBLY APRIL 28, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 573**

**Introduced by Assembly Member Wolk**

February 16, 2005

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An act to add Section 2782.8 to the Civil Code, relating to indemnity.

LEGISLATIVE COUNSEL'S DIGEST

AB 573, as amended, Wolk. ~~Construction contracts~~ *Design professionals*: indemnity.

Existing law provides that agreements contained in or affecting any construction contract that purport to indemnify the promisee against liability for damages for death or bodily injury to persons, injury to property, or any other loss, damage, or expense arising from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants, or independent contractors who are directly responsible to the promisee, or for defects in design furnished by those persons, are against public policy and are void and unenforceable, except as specified. *Existing law also provides that provisions, clauses, covenants, or agreements relating to construction contracts with a public agency that purport to impose on the contractor, or relieve the public agency from liability for the active negligence of the public agency, are void and unenforceable.*

~~This bill would state the intent the Legislature to enact legislation governing the use of indemnification and additional insured provisions in construction contracts with respect to construction defect disputes, as specified authorize a public agency to require, in an~~

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agreement or contract entered into on or after January 1, 2007 with a design professional, as defined, that the design professional indemnify, defend, or hold harmless the public agency, or its officers and employees, or both, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or willful misconduct of the design professional and other persons employed by the design professional in the performance of the agreement or contract. Except as permitted by this provision, the bill would prohibit the public agency from requiring the design professional to defend, indemnify, or hold harmless the public agency or its officers and employees from any claim, action, or proceeding against the public agency.

Vote: ☐majority. Appropriation: ☐no. Fiscal committee: ☐no.  
State ☐mandated local program: ☐no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. ☐Section 2782.8 is added to the Civil Code, to
- 2     read:
- 3     2782.8. (a) A public agency may require, in an agreement or
- 4     contract with a design professional, that the design professional
- 5     indemnify, defend, or hold harmless the public agency, or its
- 6     officers and employees, or both, from liabilities, damages, losses,
- 7     and costs, including, but not limited to, reasonable attorney's
- 8     fees, to the extent caused by the negligence, recklessness, or
- 9     willful misconduct of the design professional and other persons
- 10    employed by the design professional in the performance of the
- 11    agreement or contract.
- 12    (b) Except as provided in subdivision (a), if a design
- 13    professional provides professional services to or for a public
- 14    agency, the public agency shall not require the design
- 15    professional to defend, indemnify, or hold harmless the public
- 16    agency or its officers and employees from any claim, action, or
- 17    proceeding against the public agency.
- 18    (c) For purposes of this section, the following definitions
- 19    apply:
- 20    (1) "Public agency" includes any county, city, city and county,
- 21    district, school district, public authority, municipal corporation,
- 22    or other political subdivision, joint powers authority, or public

1 corporation in the state. Public agency does not include the State  
2 of California.

3 (2) "Design professional" includes all of the following:

4 (A) An individual licensed as an architect pursuant to Chapter  
5 3 (commencing with Section 5500) of Division 3 of the Business  
6 and Professions Code, and a business entity offering  
7 architectural services in accordance with that chapter.

8 (B) An individual registered as a professional engineer  
9 pursuant to Chapter 7 (commencing with Section 6700) of  
10 Division 3 of the Business and Professions Code, and a business  
11 entity offering professional engineering services in accordance  
12 with that chapter.

13 (C) An individual licensed as a professional land surveyor  
14 pursuant to Chapter 15 (commencing with Section 8700) of  
15 Division 3 of the Business and Professions Code, and a business  
16 entity offering professional land surveying services in  
17 accordance with that chapter.

18 (d) This section shall only apply to a professional service  
19 agreement or contract entered into on or after January 1, 2007.

20 ~~SECTION 1. It is the intent of the Legislature to enact~~  
21 ~~legislation governing the use of indemnification and~~  
22 ~~additional insured provisions in construction contracts with~~  
23 ~~respect to construction defect disputes in order to expedite the~~  
24 ~~fair and efficient resolution of these disputes and to address the~~  
25 ~~availability and cost of liability insurance for builders,~~  
26 ~~contractors, subcontractors, design professionals, and others, as~~  
27 ~~well as addressing the cost of housing.~~

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**ASSEMBLY BILL**

**No. 1974**

**Introduced by Assembly Member Walters**

February 9, 2006

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An act to add Section 149.7 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1974, as introduced, Walters. High-occupancy vehicle lanes.

Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law provides for the designation of exclusive or preferential lanes on state highways for buses and other high-occupancy vehicles. Existing law also provides for specified high-occupancy vehicle (HOV) lanes to be designated as high-occupancy toll (HOT) lanes, for use by single-occupancy vehicles upon payment of a toll.

This bill would authorize any county board of supervisors, by resolution, to authorize the use of HOV lanes on the state highway system within the county by any highway vehicle, providing that this use is consistent with federal law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 149.7 is added to the Streets and
- 2 Highways Code, to read:
- 3 149.7. Notwithstanding any other provision of law, any
- 4 county board of supervisors, by resolution, may authorize, and
- 5 the department accordingly shall implement, the use of

- 1 high-occupancy vehicle lanes on the state highway system within
- 2 that county by any highway vehicle, providing that this use is
- 3 consistent with the requirements of federal law.

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**ASSEMBLY BILL**

**No. 2621**

**Introduced by Assembly Member Strickland**

February 24, 2006

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An act to add Section 6353.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2621, as introduced, Strickland. Sales and use taxes: exemption: gasoline.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions from that tax.

This bill would provide an additional exemption for motor vehicle fuel, as defined.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6353.5 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 6353.5. There are exempted from the taxes imposed by this
- 4 part, the gross receipts from the sale in this state of, and the
- 5 storage, use, or other consumption in this state of, motor vehicle
- 6 fuel, as defined by Section 7304.
- 7 SEC. 2. Notwithstanding Section 2230 of the Revenue and
- 8 Taxation Code, no appropriation is made by this act and the state
- 9 shall not reimburse any local agency for any sales and use tax
- 10 revenues lost by it under this act.
- 11 SEC. 3. This act provides for a tax levy within the meaning of
- 12 Article IV of the Constitution and shall go into immediate effect.
- 13 However, the provisions of this act shall become operative on the
- 14 first day of the first calendar quarter commencing more than 90
- 15 days after the effective date of this act.

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